

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.371 of 2013 (O&M)
Date of Decision: May 17, 2018

Sunita and another
Versus
Ramphal and another

---Appellants
---Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Ms.Monica Singh, Advocate for
Mr.Anil Gahlawat, Advocate for the Appellants.

Mr.Neeraj Khanna, Advocate for
Respondent No.3-Insurance Company.

HARINDER SINGH SIDHU, J.

This appeal is filed by the claimants for enhancement of compensation, as awarded by the Motor Accident Claims Tribunal, Rohtak (for short 'the Tribunal') vide its award dated 27.5.2011.

Brief facts as disclosed in the claim petition are that on 19.10.2010 in the area of Village Titoli on Rohtak-Jind Road, a vehicular accident took place involving Three-wheeler No.HR-46C-2865 (herein for short 'the offending vehicle'), wherein, Ravi, son of the claimants – appellants, aged about 15 years, lost his life. FIR regarding the accident was registered against Ramphal – respondent No.1, driver of the offending vehicle under Sections 279, 337 and 304-A IPC at Police Station Sadar Rohtak.

On a claim petition having been filed by the parents of Ravi, the Tribunal awarded compensation of Rs.2,25,000/- along with interest, to the claimants – appellants.

Feeling dissatisfied with the quantum of compensation, the

claimants are before this Court.

Learned counsel for the appellants has relied on the decision of Hon'ble Supreme Court in **Kishan Gopal and another vs. Lala and others, (2014)1 SCC 244**, besides decisions of this Court in **Ali Mohammed and another vs. Nigam Dutt and others 2017(1)PLR 423** and **FAO No. 10056 of 2014 Ram Swaroop vs. Ombir and others** decided on 22.10.2016 to contend that the compensation of Rs.5,00,000/- should have been awarded.

In **Kishan Gopal's** case (supra) in case of death of a ten year old child Hon'ble Supreme Court had awarded compensation of Rs.5 lacs. In **Ali Mohammed's** case (supra) this court had awarded compensation of Rs.5 lacs in case of death of nine year old child and Rs.2,50,000/- in case of death of a child of six years. Similarly in **Ram Swaroop's** case (supra) compensation of Rs.5 lacs was awarded in the case of death of a 8 year old child. The deceased in the present case was aged about 15 years and similar compensation of Rs.5,00,000/- (Rupees Five Lacs) is liable to be awarded.

Accordingly, the Award of the Tribunal is modified by enhancing the compensation to Rs.5,00,000/-from Rs.2,25,000/- as awarded by the Tribunal. The enhanced amount be paid to the appellants along with interest @ 7.5% per annum from the date of filing of claim petition till realisation.

All applications along with this appeal also stand disposed of.

May 17, 2018

gian

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

