

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

FAO No.2972 of 2016(O&M)

Date of decision: 3.7.2018

Mandeep Kaur and others

.....Appellants

VERSUS

Sandeep Kumar @ Sanjeev Kumar @ Sunny and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Kushagra Mahajan, Advocate for the appellants.

Mr. D.K. Prajapati, Advocate for respondent No.3.

Mr. Deepak Nayyar, Advocate for respondents No.4 and 5.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Amritsar (in short 'the Tribunal') on account of death of Manjinder Singh in a motor vehicular accident that took place on 04.09.2015.

The Tribunal has awarded compensation of Rs.17,98,046/-, represented in a tabulated form in para 21 of the award.

Counsel for the appellants would inform that as there is no scope for enhancement of compensation when the case is examined in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**, he does not press the appeal with regard to enhancement of compensation. However, it has been urged that the Tribunal has distributed compensation amongst the claimants in equal ratio. It is argued that one of the claimants (respondent No.5 herein) is father of the deceased and he should not be

allowed compensation equal to that of the widow and minor children of deceased Manjinder Singh.

Counsel representing respondent No.5, on the contrary, has supported observations of the Tribunal dividing the compensation in equal share.

Be that as it may, Manjinder Singh died at a young age of 32 years leaving behind his widow aged about 30 years and 2 minor children namely Mumtaj Kaur aged 9 years and Najpreet Kaur aged 4 years. The application for compensation was filed by the widow, minor children and parents of deceased Manjinder Singh. There is nothing on record suggestive of the fact that father of the deceased has got no source of income or he was actually dependent upon earning of Manjinder Singh. The Tribunal has failed to appreciate that the minor children of the deceased should have received the major chunk of compensation assessed and payable to the claimants. In this view of the matter, findings of the Tribunal that claimants shall be entitled to get equal share of compensation is modified to the extent that Jaswant Singh, father of the deceased shall be entitled to an amount of Rs.1,50,000/- along with interest at the rate awarded by the Tribunal and the remaining amount of his share would be distributed between minor claimants namely Mumtaj Kaur and Najpreet Kaur in equal ratio, to be invested in Fixed Deposits till they attain the age of majority.

The appeal is partly allowed in the aforesaid terms.

JULY 3, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no