

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1561-2003(O&M)

Date of decision: 09.04.2019

Smt.Neelam Kumari and another

.....Appellants

versus

Lilla Ram and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Naren Pratap Singh, Advocate for
Mr.Sunil Panwar, Advocate for the appellants
Mr.Vinod Chaudhary, Advocate for respondent no.3

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Appellants have filed this appeal against the award dated 10.12.2002 passed by Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal') for enhancement of compensation.

As per facts of the case, Abha Vaid, aged about 22 years, daughter of the appellants died in a motor vehicular accident on 30.5.2001. She was in the final year of Diploma in Information System Management in Women Polytechnic, Ambala City.

The Tribunal, after considering the fact that as per case of the claimants, she had an offer of salary of Rs.4500/- per month, assessed her income at Rs.3000/- per month and assessed dependency of the claimants for five years. The Tribunal granted Rs.1,50,000/- as compensation and Rs.10,000/- for funeral and last rites. Total compensation of Rs.1,60,000/- was awarded. Appellants are not satisfied with the said award and have

challenged the same.

I have heard learned counsel for the parties and have also carefully gone through the file.

Admittedly, in this case, Abha Vaid was a young girl of 22 years. She was in the final year of Diploma in Information System Management in Women Polytechnic, Ambala City. The Tribunal has assessed that she would have earned Rs.3,000/- per month. Since, Abha Vaid was to marry, the dependency was taken for five years. However, I am of the view that even after marriage, the girls are looking after their parents by providing services to them, for which, some compensation is also required. Assuming that the deceased must be spending something on herself, she must be paying at least Rs.2000/- to her parents after keeping Rs.1000/- as pocket money for next five years. Thereafter, she also might be paying at least some amount and rendering some service to her parents even after her marriage. As per the authority of National Insurance Co. Ltd. v. Pranay Sethi and others, 2017 (4) RCR (Crl.) 409 SC, Rs.15,000/- each for funeral and loss of estate are to be awarded.

Considering the entirety of facts and circumstances, this Court finds that a compensation of Rs.2,50,000/- will meet the ends of justice. Accordingly, appeal is allowed. Compensation is enhanced from Rs.1,60,000/- to Rs.2,50,000/-. 6% per annum interest on the enhanced compensation from the date of filing of claim petition till its realization is also allowed.

09.04.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No