

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

402-A

**FAO No.1274 of 2002
Date of decision : 23.01.2019**

TARLOCHAN SINGH AND ANOTHER

....APPELLANTS

V/S

SURINDER KUMAR AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Jatinder Nagpal, Advocate, Amicus Curiae
for the appellants.

None for the respondents.

B.S. WALIA, J. (ORAL)

[1] None is present on behalf of the respondents. For that matter, none was present on behalf of the respondents on 18.05.2018 and 15.01.2019 despite Mr. Deepak Sharma, Advocate, counsel for the respondents having been informed through e-mail of the listing of the case and to ensure representation. Since, the accident is of the year 1997 and appeal of the year 2002, therefore, I am not inclined to adjourn the matter any further. Accordingly, with the able assistance of learned *Amicus Curiae* appointed on 15.01.2019 on account of death of learned counsel earlier representing the appellants, I have gone over the record.

[2] Appeal has been filed by the mother and father of Ikjot Singh who died in a motor vehicular accident on 04.10.1997. Prayer is for enhancement of

compensation of Rs.1,35,000/- awarded by the learned Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal').

[3] The learned Tribunal assessed the age of the deceased around 04 years, income at Rs.600/- per month, dependency at Rs.500/- per month, applied multiplier of '20', besides by awarding Rs.15,000/- towards expenses on last rites awarded, total compensation of Rs.1,35,000/-.

[4] Learned *Amicus Curiae* has relied upon the decision of a Co-ordinate Bench of this Court in the case of 'Palo versus Rajesh Sahni and another', 2018 (3) PLR 204, wherein a sum of Rs.2,25,000/- was awarded in the case of deceased, aged 09 years by taking into account notional income of Rs.15,000/- per annum and applying multiplier of '15', besides awarding Rs.15,000/- on account of funeral expenses.

[5] Learned counsel has also relied upon the decision of this Court in 'Shanti Devi and another versus Rakesh Kumar and others', 2017(2) PLR 562, wherein in the case of death of a 5 years old child, a composite sum of Rs.2,25,000/- was awarded in addition to Rs.75,000/- as non-pecuniary damages. Learned counsel has also relied upon the decision of this Court in 'U.P. State Road Transport Corporation versus Sukhdeep Kaur', 2012 ACJ 125 in a case involving death of a 3 year old boy, wherein this Court upheld award of lump sum compensation of Rs. 2,25,000/- by the Motor Accidents Claims Tribunal YamunaNagar at Jagadhri as the deceased was the only son of his parents.

[6] I have considered the submissions of learned *Amicus Curiae* as also the judgments relied upon and am of the view that in the circumstances award of composite amount of Rs. 2,25,000/- in addition to Rs.15,000/- on

amount is awarded on account of future prospects as the child was very young being only around 04 years of age and there is nothing on the record to show that the child was performing well.

[7] Accordingly, in the light of the position as noted above, the appeal is allowed. The appellants are held entitled to award of Rs. 2,25,000/- + Rs.15,000/- on account of funeral expenses, total Rs.2,40,000/- along with interest @ 9% per annum with effect from date of claim petition, till date of realization, less amount if any paid earlier. Accordingly, appeal is allowed and award passed by the learned Tribunal is modified to the extent as noted above.

(B.S. WALIA)
JUDGE

January 23, 2019

rajneesh

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No