

FAO No.3286 of 2018 (O&M)

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

FAO No.3286 of 2018 (O&M)
Date of decision: 04.09.2019

Munish Kumar and another

.....Appellants

versus

Satpal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sumit Gupta, Advocate, for the appellants.
Ms. Sheenu Sura, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, parents of minor deceased Tanisha, aged around seven years at the time of her death in a motor vehicular accident, have sought enhancement of compensation, modifying impugned Award dated 08.11.2017 of the Motor Accident Claims Tribunal, Karnal (for short 'the Tribunal').

Briefly, in the evening of 14.01.2016, deceased Tanisha along with her father appellant No.1, sister and one Krishan Kumar while going towards her house on foot, when reached near Primary School, Kalheri, offending tractor-trolley bearing registration No.HR-05-AC-5761 driven by respondent No.1 rashly, negligently and also at a high speed, playing a audio deck, suddenly came in front of them and turned towards deceased Tanisha and struck her. As a result thereof, Tanish fell

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down on the road and tyre of the said offending tractor-trolley ran over her. She succumbed to her multiple grievous injuries on the spot itself.

With these broad submissions, appellants filed claim petition under Sections 166 and 140 of the Act before the Tribunal, who after holding trial awarded compensation of ₹2,40,000/- to them along with interest at the rate of 6% per annum from the date of filing claim petition till realization.

Learned counsel for the appellants relying upon ***Krishan Gopal and another v. Lala and others, 2013(4) R.C.R.(Civil) 276*** contends that the Apex Court in the case of death of a child of 10 years, awarded compensation of ₹4,50,000/- plus ₹50,000/- towards loss of love and affection, funeral expenses etc. totalling ₹5,00,000/-. Treating case of the appellants on the same parity, compensation awarded by the Tribunal to the appellants be enhanced from ₹2,40,000/- to ₹5,00,000/-.

Learned counsel for respondent No.2- Insurance Company has not cited any contrary law.

In view of above, the appellants-claimant are held entitled to compensation of ₹2,60,000/- more over and above the amount of ₹2,40,000/- already awarded by the learned Tribunal, vide Award impugned herein. Respondent No. 2-Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within one month from today, along with up-to-date interest @ 7.5% per annum from the date of filing of claim petition till realization, for onward disbursement to the

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appellants-claimant, in proportion so arrived at by it, in accordance with law against proper receipt and identification.

In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with interest @18% from the date of institution of claim petition till realization.

Disposed of .

September 04, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No