

FAO No.4841 of 2018

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

FAO No.4841 of 2018
Date of decision: 27.11.2019

Veena and others

.....Appellants

versus

Kuldeep Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. R.M. Sharma, Advocate, for the appellants.
Mr. Vinod Gupta, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Claimants have filed this appeal for enhancement of compensation, modifying impugned award dated 01.03.2018 of the Motor Accident Claims Tribunal, Patiala (in short 'the Tribunal').

Briefly, in the morning of 15.05.2016, minor Jaspreet Kaur @ Jassi, aged 07 years, met with an accident caused by respondent No.1 while driving offending car bearing registration No.PB-29U-2107 and succumbed to her injuries on the same day. Her parents, brother and sister filed claim petition under Section 166 of the Motor Vehicles Act for grant of compensation before the Tribunal, who after holding trial, awarded a sum of ₹1,80,000/- as compensation along with interest @ 7.5% 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 and judgment of this Court in ***Munish Kumar and another v. Satpal and others (FAO No.3286 of 2018)*** decided on 04.09.2019 contends that in

FAO No.4841 of 2018

these cases the Apex Court and this Court in the case of death of a child aged 10 years, awarded compensation of ₹5,00,000/-. Treating case of the appellants on the same parity, compensation awarded by the Tribunal to the appellants be enhanced from ₹1,80,000/- 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 ₹3,20,000/- more, over and above the amount of ₹1,80,000/- already awarded by the learned Tribunal, vide Award impugned herein. Respondent No.3-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 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 @ 15% from the date of expiry of one month.

Disposed of .

November 27, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No