

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

FAO No.8055 of 2017 (O&M)

Date of Decision.27.11.2019

Paramjeet Kaur and another

...Appellants

Vs

Naseem Ahmad and others

...Respondents

Present: Mr. Sonia G. Singh, Advocate
for the appellants.

Mr. Sandeep Suri, Advocate
for respondent No.3-Insurance Company.

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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JAISHREE THAKUR J. (ORAL)

1. This appeal seeks to challenge the award dated 12.07.2017 passed by the Motor Accident Claims Tribunal, Patiala wherein the appellants herein have been allowed compensation of ₹3,00,000/- on account of death of their son Harshvir Singh @ Arshvir Singh, aged 11 years.

2. In brief, the facts are that on 07.03.2016, minor Harshvir @ Arshvir Singh along with his father and siblings was going to pay obeisance at Gurudwara Fatehgarh Sahib in three wheeler bearing registration No.PB11-AS-9213 when offending truck, being driven rashly and negligently by respondent No.1 dashed against the three wheeler from back side. Due to the impact of accident, Harshvir Singh @ Arshvir Singh received multiple injuries on his person. He was rushed to A.P. Jain Hospital, Rajpura from where he was referred to Government Medical College and Hospital, Sector 32, Chandigarh and thereafter to PGI, Chandigarh. A criminal case was registered against respondent No.1.

3. The Tribunal while taking into consideration the pleadings and evidence brought on record awarded a consolidated sum of ₹3 lakhs.

4. Learned counsel appearing on behalf of the appellants argues that the Tribunal has erred in awarding compensation on account of death of an 11 years old child on the lower side, while further contending that the Supreme Court in **Kishan Gopal and another vs. Lala and others, 2013(4) RCR (Civil) 276** had assessed the notional income of a 10 years old child to be ₹30,000/- per annum in respect of an accident which took place in the year 1992, which itself would enhance the compensation to be paid.

5. Per contra, learned counsel appearing on behalf of respondent No.2-Insurance Company urged that there is no infirmity in the award so passed and the compensation of ₹3,00,000/- has rightly been assessed.

I have heard learned counsel for the parties and have also gone through the case law regarding quantum of compensation to be assessed on the death of a minor child.

6. This Court had an occasion to deal with similar matter in **FAO No.5190 of 2014 decided on 26.08.2019 titled as Seema and another Vs. Bhim Singh and another** wherein after taking into consideration the ratio culled out in **Lata Wadhwa and others Vs. State of Bihar and others 2001 (4) RCR (Civil) 673; Krishan Gopal and another Vs. Lala and others 2013 (4) RCR (Civil) 276; Puttamma and others Vs. K.L. Narayana Reddy and another 2014 (1) RCR (Civil) 443** and the inflation in price index, this Court awarded a compensation of ₹8,00,000/- in case of death of a minor child of 8 years, after assessing notional income as ₹50,000/- per annum and applying a multiplier of 15 in terms of judgment of Hon'ble Supreme Court in **Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121.**

7. Following the decision passed in **FAO No.5190 of 2014 decided on 26.08.2019 titled as Seema and another Vs. Bhim Singh and another**, the award of the Tribunal is modified and the total compensation payable to the appellants shall be ₹8,00,000/-. The amount in excess over what was awarded by the Tribunal will also attract interest @7.5% from the date of the petition till the date of payment. The claimants will share the amount of compensation as per the award of the Tribunal. The liability shall remain the same as has already been determined by the Tribunal. The appeal is allowed in the abovesaid manner.

(JAISHREE THAKUR)
JUDGE

November 27, 2019

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No