



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO No.2399 of 2010  
Date of Decision : 27.11.2024

Angoori Devi and another  
Versus  
....Appellants

Ramesh Kumar and others  
...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rahul Rana, Advocate for  
Mr. Amit Singla, Advocate for the appellants.

Mr. Radhe Shyam Sharma, Advocate  
for respondent No.3.

Mr. Rajeev Godara, Advocate  
for respondents No.4 and 6.

Mr. Vikas Mohan Gupta, Advocate for respondent No.7.

PANKAJ JAIN, J. (ORAL)

- Claimants are in appeal seeking enhancement of compensation.
2. Incident related to unfortunate death of a 10 year old child Vikas who died in a motor-vehicular accident dated 22.04.2002. Death of the child in the vehicular accident is not disputed. Tribunal awarded a lump sum amount of Rs.1,72,000/-.
3. The scope of the present appeal is confined to compensation i.e. issue No.2.
4. This Court in the case of ‘**Hari Om and another vs. Mohd. Yusuf Teli and others**’, 2024(3) RCR(Civil) 842 while awarding

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compensation on account of death of a 16 year old child adopted multiplier method taking notional income of the child @ Rs.50,000/- per annum and awarded a sum of Rs.7,19,500/-. Supreme Court in the case of '**Kusmi Devi vs. Md. Kasim and another**', 2024(1) PLR 49 while dealing with the death of a 3 year old child in accident dated 25<sup>th</sup> of August, 1994 awarded lump sum compensation to the tune of Rs.6.00 lacs.

5. In order to support his contention that the Insurance Company should be made liable to pay compensation to the claimants, counsel relies upon law laid down by Supreme Court in the case of '**Sonkunwarbai and Others vs. Oriental Insurance Company Limited and others**' SLP (Civil) No.22971/2018, '**Parminder Singh vs. New India Assurance Co. Ltd. and others**', (2019)7 SCC 217, '**Ram Chandra Singh vs. Rajaram and others**', (2018) 8 SCC 799, '**Iffco Tokio General Insurance Company Ltd. vs. Pawan Kumar Taneja and others**', 2023(4) RCR (Civil) 907.

6. Finding that the date of accident in *Kusmi Devi's* case (supra) is also of the year 1994 wherein the Supreme Court awarded an amount of Rs.6.00 lacs on account of death of a 3 year old child, this Court finds that the said precedent serves as adequate guide. Resultantly, compensation payable to the claimants/appellants on account of death of Vikas Singh, a 10 year old child in the present case is enhanced to Rs.6.00 lacs.

8. As a sequel of the aforesaid discussion, the present appeal is disposed off. The Award passed by the Tribunal stands modified to the extent as stated herein above.

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- 9. Disbursal as well as rate of interest shall abide by direction issued by Tribunal in Para No.46 of the impugned award.
- 10. Needless to say that any amount already paid to the claimants/appellants shall be set off.
- 11. Ordered accordingly.

|                           |   |                      |
|---------------------------|---|----------------------|
| <b>November 27, 2024</b>  |   | <b>(Pankaj Jain)</b> |
| <b>Dpr</b>                |   | <b>Judge</b>         |
| Whether speaking/reasoned | : | Yes/No               |
| Whether reportable        | : | Yes/No               |