**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****111****FAO-943-2023 (O&M)****Date of decision: 09.09.2025****Jagdish and others****...Appellant(s)****Vs.****Vikas Bhatti and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. K.S.Dhanora, Advocate
for the appellants.

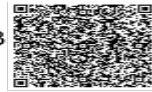
NIDHI GUPTA, J.**CM-3796-CII-2023**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 103 days in filing the accompanying appeal.

2. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.1, the same is allowed and delay of 103 days in filing the accompanying appeal is condoned.

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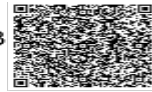
The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.5,10,000/- awarded by the learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as "the learned Tribunal") vide Award dated 10.05.2022 passed in MACP Case No.



507 dated 05.10.2019 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”) for grant of compensation of Rs.20,00,000/- alongwith interest @ 18% p.a. on account of death of Roshan son of Jagat Ram. The 3 claimants are the grandparents and minor sister of the deceased Roshan, who was 2 and a half years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Roshan had died due to the injuries suffered by him in a motor vehicular accident that took place on 21.06.2019 due to the rash and negligent driving of a Maruti Swift Dzire Car bearing registration No.HR12Z-8225 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1; and insured by respondent No.2. The learned Tribunal awarded the above said compensation along with interest @ 9% per annum. All the respondents were held liable to pay the said compensation jointly and severally.

3. The only argument raised by learned counsel for the appellant is that in a judgment dated 06.03.2025 passed a Coordinate Bench of this Court in **FAO-141-2006** titled as **Baslu Ram and another vs. Amit Kumar alias Raju and others**, compensation of Rs.6 lacs was awarded on the death of 3-year-old child; and therefore, the compensation in the present case also ought to be enhanced from Rs.5,10,000/- to Rs.6 lacs.



4. It is accordingly prayed that present Appeal be allowed; and the compensation awarded to the appellants be enhanced as above.

5. No other argument is raised on behalf of the appellants.

6. I have heard Id. Counsel and perused the case file in detail.

7. I find no merit in the sole submissions made on behalf of the appellants. Admittedly, the deceased child was 2 and a half years old at the time of accident as per Postmortem Report Ex.P7. Learned Tribunal had relied upon judgment of Hon'ble Supreme Court passed in **Kishan Gopal and another v. Lala and others (SC) : Law Finder Doc Id # 477190**; whereby the notional income of the deceased has been taken as Rs.30,000/-p.a. and applied multiplier of 16; thereby calculating compensation amount to be Rs.4,80,000/-. Learned Tribunal had further awarded a lump sum amount of Rs.30,000/- under the conventional heads i.e. loss of love and affection, funeral expenses and last rites.

8. Reliance of the appellants on the judgment of **Baslu Ram and another's case (supra)** is misplaced as global compensation of Rs.6 lacs was awarded in the said case by placing reliance upon judgment of this Court in **FAO-743-2004** titled as **Kalindi Devi and another vs. Jasbir Singh and others, decided on 25.07.2024** and of the Hon'ble Supreme Court in **Kusmi Devi vs. Md. Kasim and another, (SC): Law Finder Doc Id # 2269554**. However, in the said cases, the deceased child was 3 years old; whereas in the present case, the deceased was admittedly 2 and a half years old. In these circumstances, differential amount of Rs.90,000/- is justified. Moreover, in cases of the present nature where regular



parameters for calculating/computing compensation are not available, lump sum amount is awarded due to the loss suffered by the claimants. In view of the same, I find that no ground is made out to interfere in the impugned Award.

- 9. In view of the above, the present appeal is hereby **dismissed**.
- 10. Pending application(s) if any also stand(s) disposed of.

09.09.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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