

(2006) 09 P&H CK 0312

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Savitri Devi and Another

APPELLANT

Vs

Ram Kumar

RESPONDENT

Date of Decision: Sept. 27, 2006**Citation:** (2007) 1 ACC 792**Hon'ble Judges:** Jasbir Singh, J**Bench:** Single Bench

Judgement

Jasbir Singh, J.

Appellants are the unfortunate parents, whose son Sanjay, aged about 14 years, had died in a motor accident on February 11, 1990. Factum of accident and death of Sanjay therein are not in dispute. The appellant-claimants have filed this appeal against the order dated December 3, 1991, vide which the Motor Accident Claims Tribunal at Rohtak had granted an amount of Rs. 40,000 by way of compensation to them for death of their son.

2. Counsel for the appellants has vehemently contended that there is sufficient evidence on record to prove that Sanjay was little more than 14 years of age and he was helping his father and other family members in selling milk. In that regard, Counsel has referred to the statement made by appellant No. 1. It is apparent from the records that while rejecting that evidence on record, the Tribunal below has noticed that there is no independent corroboration to the statement, made by appellant No. 1. It has further been said that the deceased was a student and he had not obtained any licence etc., under the Prevention of Food Adulteration Act to carry on the business of sale of milk. Be that as it may, it has come on record that the deceased had failed in 8th class and thereafter, he had joined some private school. As per evidence on record, it can justifiably be presumed that the deceased Sanjay, who was not a very sharp student, may have been helping the family in the business of selling milk. If alive, he would have been in a position to serve his parents in future also. This aspect has totally been ignored by the Tribunal while granting

compensation. Thus keeping in view, the age of the deceased, the parents, as also future prospects of the deceased in life, this Court feels that ends of justice will meet if the compensation amount is enhanced from Rs. 40,000 to Rs. 60,000. The appellants shall be entitled to claim the amount with interest. The Tribunal has granted compensation along with interest at the rate of 12% per annum. The interest granted, this Court feels, is on the higher side. The same is reduced to 10% per annum, on the amount awarded, from the date of moving the application for compensation, till realisation of the amount.

3. Appeal stands disposed of with above mentioned modification.