

(2014) 01 P&H CK 0146

High Court Of Punjab And Haryana At Chandigarh

Case No: F.A.O. No. 372 of 2011

Poonam Rani

APPELLANT

Vs

Mahinder Singh

RESPONDENT

Date of Decision: Jan. 9, 2014

Citation: (2014) 175 PLR 652

Hon'ble Judges: Jitendra Chauhan, J

Bench: Single Bench

Advocate: Anurag Chopra, Advocate for the Appellant; Pradeep Goyal, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Jitendra Chauhan, J.

The present appeal has been filed by the claimant-appellants, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Ludhiana, ("the Tribunal", for brevity) vide award dated 02.06.2010, on account of the death of their minor daughter, Manju Rani, in a motor vehicular accident, that took place on 30.05.2008. The learned counsel for the appellant cites Manju Devi and Another Vs. Musafir Paswan and Another to contend that the amount of compensation of Rupees seventy five thousand, awarded by the learned Tribunal, is highly inadequate. He further states that the learned Tribunal ought to have awarded compensation by taking notional income of the deceased as Rupees fifteen thousand and applying the multiplier of 15. He further states that nothing has been awarded to the claimant-parents on account of loss of company of child as also the pain suffered by them. The learned counsel, however, submits that he shall be satisfied in case a lump sum amount of Rupees two lacs and fifty thousand, is awarded as compensation.

2. On the other hand, the learned counsel for the respondent-Insurance Company has opposed the present appeal.

3. I have heard the learned counsel for the parties and perused the record.

4. It is not in dispute that the deceased, Manju Rani, who was aged four years, died in a motor vehicular accident. The claimants are her parents. In Manju Devi's case supra, Hon'ble the Apex Court awarded compensation of Rupees two lacs and twenty five thousand, with regard to the death of a 13 years' old boy by applying the multiplier of 15 and taking the notional income of Rupees fifteen thousand. The facts of the present case are squarely covered by the ratio of law laid down in Manju Devi's case supra. The learned Tribunal has awarded a lump sum compensation of Rupees seventy five thousand to the claimants.

5. Keeping in view the facts and circumstances of the present case and the statement of the learned counsel for the appellants, this Court feels that the ends of justice would be met in case the compensation awarded to the appellants is enhanced from Rupees seventy five thousand to Rupees two lacs and fifty thousand. It is ordered accordingly. No other point has been raised.

6. In view of the above, the claimant-appellants are held entitled to enhanced compensation of Rupees one lac seventy thousand, as indicated above, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, they shall also be entitled to interest @ 6.5% per annum, from the date of filing the present appeal, till its realization. With the aforesaid modification in the impugned award, the present appeal is partly allowed.