

(2015) 05 P&H CK 0489

High Court Of Punjab And Haryana At Chandigarh

Case No: FAO No. 950 of 2013

Mehmoodi

APPELLANT

Vs

Mubarik and Others

RESPONDENT

Date of Decision: May 19, 2015

Citation: (2015) 179 PLR 854

Hon'ble Judges: Shekher Dhawan, J

Bench: Single Bench

Advocate: Ashish Gupta, for the Appellant

Final Decision: Partly Allowed

Judgement

Dr. Shekher Dhawan, J

Appellant-claimant sought enhancement of compensation awarded by Motor Accidents Claims Tribunal, Nuh (hereinafter to be referred as "The Tribunal"), vide award dated 08.01.2013, whereby "The Tribunal" awarded a sum of Rs. 3,80,000/- on account of death of child. Learned counsel for the appellant prayed that "The Tribunal" has not taken into consideration the fact that after short span of time the child would have started earning and his income was to grow gradually. He was the only child of claimant. So, the amount of compensation be enhanced suitably.

2. Mr. Lalit Garg, Advocate, learned counsel for the respondent No. 3-Insurance Company took the plea that "The Tribunal" has already awarded just compensation keeping in view the fact that in fact there is no earning of the child. So, the appeal be dismissed.

3. Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that death of child of 14 years had taken place in this case and that too of only child. Such loss to the family and appellant cannot be quantified in terms of money. However, in such like cases somewhat guess work has to be done, so as to, determine the amount of compensation. Though, "The Tribunal" has already awarded reasonable amount of compensation

but still keeping in view the fact that age of child was 14 years and after short span of time his earnings were to grow gradually. The amount of compensation enhanced by Rs. 50,000/- in this case from the date of claim petition. The enhanced amount of compensation shall be payable within 45 days from today, failing which, the appellant shall be entitled to receive interest @ 7.5% per annum from today. Resultantly, the present appeal accepted partly.