
(2010) 04 P&H CK 0485
In the Punjab And Haryana At Chandigarh
Case No : F.A.O. No. 2021 of 2010 (O and M)

U.P. State Road Trans. Corpn.

APPELLANT

Vs

Sukhdeep Kaur and Another

RESPONDENT

Date of Decision : 19-04-2010

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2012) ACJ 125

Hon'ble Judges : Vinod K.Sharma, J

Bench : Single Bench

Judgement

Vinod K. Sharma, J.—This appeal, by the U.P. State Road Transport Corporation, is directed against the award dated 11.1.2010, passed by the learned Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri, allowing the claim petition filed by claimant-respondent No. 1, u/s 166 of the Motor Vehicles Act, 1988.

Claimant-respondent No. 1 sought compensation on account of death of Harsh Deep, who was aged about three years, in a motor vehicle accident on 19.5.2008. It was the pleaded case of the claimant-respondent No. 1 that the accident had occurred due to rash and negligent driving of bus bearing registration No. UP 21-L 9850 by respondent No. 2 herein, in which Harsh Deep died. F.I.R. regarding the accident was also registered against respondent No. 2. The defence raised was that the accident had not occurred due to rash and negligent driving of respondent No. 2. The learned Tribunal, on appreciation of evidence, recorded a positive finding that the accident took place on 19.5.2008 due to rash and negligent driving of the bus bearing registration No. UP 21-L 9850 by the respondent No. 2, which resulted in death of Harsh Deep. On issue No. 2, keeping in view the fact that deceased was minor child of only three years, therefore, lump sum amount of Rs. 2,25,000 (rupees two lakh and twenty-five thousand) was granted along with interest at the rate of 9 per cent per annum from the date of filing of the petition till payment along with costs of Rs. 3,300 (rupees three thousand and three hundred). Mr. Sandeep Kotla, learned

counsel appearing on behalf of the appellant, has challenged the award merely on the question of quantum of the compensation by contending that the minor child of three years was not earning any amount and, therefore, no dependency could be assessed for granting compensation to the parents of the deceased child.

2. On consideration, I find no force in the contention raised by the learned counsel for the appellant. It is well settled law, that in case of death of minor, an assessment can be made keeping in view the facts and circumstances of the case. The deceased was the only son of the parents and, therefore, it cannot be said that the compensation awarded was on the higher side so as to interfere with the award in exercise of appellate jurisdiction.

No merit. Dismissed.