



**228 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**FAO No.3231 of 2019 (O&M)  
Date of Decision : 21.02.2025**

Sunil and another

.....Appellants

Versus

Niranjan Kumar and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Kunal Dawar, Advocate for the appellants.

Mr. Dinesh Kumar Prajapati, Advocate  
for respondent No.2-Insurance Co.

**PANKAJ JAIN, J.(Oral)**

**CM No.10945-CII of 2019**

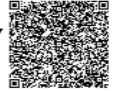
This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 242 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicants/appellants have made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 242 days in filing the instant appeal is hereby condoned.

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Claimants question the quantification of the compensation payable to them on account of death of their son Sachin who unfortunately died at the tender age of 9 in a motor vehicular accident.



2. The issue regarding death of a child was addressed by Supreme Court in the case of **Meena Devi vs. Nunu Chand Mahto @ Nemchand Mahto, 2022(4) RCR (Civil) 553** observing as under:

“13. Thus applying the ratio of the said judgments, looking to the age of the child in the present case i.e. 12 years, the principles laid down in the case of Kishan Gopal (supra) are aptly applicable to the facts of the present case. As per the ocular statement of the mother of the deceased, it is clear that deceased was a brilliant student and studying in a private school. Therefore, accepting the notional earning Rs. 30,000/- including future prospect and applying the multiplier of 15 in view of the decision of this Court in Sarla Verma (supra), the loss of dependency comes to Rs. 4,50,000/- and if we add Rs. 50,000/- in conventional heads, then the total sum of compensation comes to Rs. 5,00,000/-. As per the judgment of MACT, lump sum compensation of Rs. 1,50,000/- has been awarded, while the High Court enhanced it to Rs. 2,00,000/- up to the value of the Claim Petition. In our view, the said amount of compensation is not just and reasonable looking to the computation made hereinabove. Hence, we determine the total compensation as Rs. 5,00,000/- and on reducing the amount as awarded by the High Court i.e. Rs. 2,00,000/-, the enhanced amount comes to Rs.3,00,000/-.”

3. Applying the aforesaid criteria, the compensation awarded by the MACT, is substituted as under:

The notional earning of the deceased Sachin is accepted as Rs.30,000/- including future prospects. Multiplier of 18 is applied. Since, it is the notional income which has been accepted, there is no requirement to apply deduction. The loss of dependency thus comes to Rs.5,40,000/-. Both the claimants are awarded parental consortium of Rs.48,000/- each. Another



sum of Rs.18,000/- is awarded under the 'head of funeral expenses' and Rs.18,000/- for 'loss of estate'. Appellants are also held entitled for interest @ 7.5% per annum from the date of filing of the claim application till the date of actual realization.

4. Needless to say, amount already paid to the claimants/ appellants shall be set off.

5. With the aforesaid modification in the impugned award, the instant appeal is disposed off.

**February 21, 2025**

**(Pankaj Jain)**

**Dpr**

**Judge**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No