



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

244-2

FAO-4461-2017 (O&M)
Date of decision: 22.07.2025

Harendari

...Appellant

Versus

Yashwardhan and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ram Bilas Gupta, Advocate for the appellants.

Mr. Gopal Mittal, Advocate
for the Insurance Company.

SUDEEPTI SHARMA, J. (ORAL)

1. The present appeal has been preferred against the award dated 21.12.2016 passed in the claim petition filed under Section 166 of the Motor Vehicles Act by the learned Motor Accident Claims Tribunal, Faridabad (for short, 'the Tribunal') for enhancement of compensation, granted to the appellant/claimant to the tune of Rs.3,50,000/- on account of death of Baby Sheetal, in a Motor Vehicular Accident, occurred on 23.02.2015.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not required to be reproduced and is skipped herein for the sake of brevity.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. The learned counsel for the appellant/claimant contends that the lumpsum compensation assessed by the learned Tribunal is on the lower



side. Therefore, he prays that the present appeal be allowed and compensation be enhanced, as per latest law.

4. *Per contra*, learned counsel for respondent No.2-Insurance Company, however, vehemently argues on the lines of the award and submits that the amount of compensation as assessed by the Ld. Tribunal, has rightly been granted to the appellant/claimant. Therefore, he prays for dismissal of the present appeal.

5. I have heard learned counsel for the parties and perused the whole record of this case with his able assistance.

6. It is transpired from the facts of the case that Baby Sheetal was 7 years of age at the time of the accident. This Court has previously adjudicated upon a similar matter in **FAO-743-2007** titled as ***Kalindi Devi and another Vs. Jasbir Singh and others***, decided on 25.07.2024, while placing reliance on the judgment of Hon'ble Supreme Court in Civil Appeal No.3699-2023 titled as ***Kusmi Devi Vs. Md. Kasim and another***. The relevant paragraphs of the judgment passed by this Court in ***Kalindi Devi's case*** (supra) are reproduced as under:-

*“The relevant paragraphs of the judgment passed by Hon'ble the Apex Court in **Kusmi Devi** (supra) are as under:-*

“3. In respect of the death of a three years old child in the accident which occurred on 25.08.1994, the Motors Accidents Claims Tribunal (For short 'MACT') through its Award dated 13.02.2015 had granted the compensation of Rs. 1,50,000/- with interest @ 9% per annum. The High Court through its judgment dated 13.12.2018 has enhanced it to a sum of Rs.5,00,000/- as a global compensation.

4. In a matter of the present nature where the regular parameters of determining the compensation cannot be considered due to the uncertainties in life of a child and as held by this Court, the lump sum compensation is being awarded. Without prejudice to the contentions all the parties and in the



interest of justice, we deem it appropriate to grant a further sum of Rs.1,00,000/- as global enhancement which shall be deposited by the respondent No.2-Insurance Company before the MACT concerned within a period of three weeks from the date of receipt of a copy of this judgment, whereupon the amount shall be disbursed to the claimant.”

ANALYSIS OF THE JUDGMENT

*A bare reading of the judgment passed by Hon’ble the Supreme Court in **Kusmi Devi** (supra) shows that Hon’ble the High Court in a case of death of 3 years old child, enhanced the compensation granted by the Motor*

Accident Claims Tribunal to a sum of Rs.5 lakh as a global compensation. AND Hon’ble the Supreme Court further granted a sum of Rs. 1 lakh as a global enhancement. Meaning thereby Hon’ble Supreme Court held that the total global compensation for the death of a three year old child is Rs.6 lakh.

11. In view of the above referred to judgment passed by Hon’ble Supreme Court, the present appeal is allowed. The appellants-claimants are entitled to compensation to the tune of Rs.6 lakh. The award dated 03.11.2006 is modified accordingly.”

7. In view of the above referred to judgment, the compensation awarded to Baby Sheetal is to be assessed as **Rs.6,00,000/-**.

8. Consequently, the compensation is enhanced to the tune of **Rs.2,50,000/-** (Rs.6,00,000-3,50,000).

9. So far as the interest part is concerned, as held by Hon’ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma 2019 ACJ 3176** and **R.Valli and Others VS. Tamil Nadu State Transport Corporation (2022) 5 Supreme Court Cases 107**, the appellants/claimants are granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

10. The respondent No.2-Insurance Company is directed to deposit the enhanced amount of compensation alongwith interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is further directed to disburse the enhanced amount



of compensation alongwith interest in the account of the appellant/claimant.

11. Respondent No.2-Insurance Company is hereby directed to disburse the current scheduled fee to Mr. Gopal Mittal, Advocate, within a period of 20 days from the date of receipt of the copy of this judgment, in view of the order dated 18.07.2024 passed in FAO No.1682 of 2007 by this Court.

12. Pending application(s), if any, also stand disposed of.

22.07.2025

Yogesh

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No