

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2269 of 2013 (O&M)
Date of Decision:06.10.2015

Smt. Kelo Devi

....Appellant

Versus

Kulwant and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Rohan Jain, Advocate for
Mr. Anshuman Dalal, Advocate for the appellant.

None for respondents No.1 and 2.

Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate for respondent No.3-
Shri Ram General Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, Rohtak (Tribunal for short), vide award dated 4.10.2012 awarded compensation of Rs.4,01,000/- on account of the death of Yogesh, son of the appellant, who died as a result of injuries received in a motor vehicle accident which took place on 28.10.2011.

2. Counsel for the appellant argued that a meager amount of Rs.5000/- was given towards funeral expenses. Nothing was awarded for loss of love and affection and for loss of future prospects. Income of the deceased was taken to be Rs.6000/- per month holding that he being a young and healthy person, must be at least earning to that extent from manual labour. The income, which was pleaded to be Rs.12000/- per month by running a fruit shop, was not proved. Half of the assessed income was considered for dependency of the mother who was the sole claimant and the multiplier was also rightly applied. The compensation on the basis of income which came to Rs.3,96,000/- was thus adequate. Since the deceased was actually 19 years old and was not shown to

be having any real income, nothing was required to be added towards future prospects.

3. As for as the funeral and last rites expenses, an amount of Rs.20,000/- is awarded in addition to the amount of Rs.5000/- already given. For loss of love and affection, an amount of Rs.1,00,000/- is awarded. The amount of compensation is enhanced by Rs.1,20,000/-. Enhanced amount shall fetch interest @ 6% per annum.

4. The appeal is disposed of accordingly.

**(NAVITA SINGH)
JUDGE**

06.10.2015
Ishwar

Whether to be referred to reporter: Yes