

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 2258 of 2014

Date of Decision:- 07.04.2015

Kulvir Kaur @ Kulbir Kaur and others

.....Appellants

Versus

Ankush Gupta and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present: Ms. Monika Jalota, Advocate,
for the appellant.

Mr. Rajnish Malhotra, Advocate
for respondent No.2-Insurance Company.

SHEKHER DHAWAN, J (Oral).

Claimant appeal for enhancement of compensation awarded by Motor Accident Claims Tribunal, Patiala (hereinafter to be referred as 'The Tribunal'), whereby The Tribunal awarded compensation of ₹5,65,000/-.

2. Taking the case from undisputed facts that Amandeep Kaur (since deceased) died in motor vehicular accident which took place on 07.05.2013. She was of the age of 17 years and student of 10+2 at the time of her death. The Tribunal awarded compensation of ₹5,65,000/-,

taking notional income of deceased ₹5,000/- and after making deduction of 50% on account of self dependency. However, nothing has been awarded on account of loss of love and affection.

3. Ms. Monika Jalota, Advocate, learned counsel for the appellant took the plea that 'The Tribunal' has not taken care of the facts that deceased was of the age of 17 years, had bright future ahead as she was of 10+2 student. Nothing has been awarded on account of future earnings and on account of future prospects, as per ratio of judgment by Hon'ble Apex Court in case Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77.

4. Mr. Rajnish Malhotra, Advocate, learned counsel for respondent No.3, took the plea that 'The Tribunal' has already awarded just compensation and there are no grounds for further enhancement, as notional income has been taken in the present case. There is no scope for further enhancement on account of future prospects of earnings.

5. Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that 'The Tribunal' has already awarded compensation keeping in view the age, earning capacity at the age of 17 years and the fact that deceased was student of 10+2. However, nothing has been awarded on account of loss of love and affection. Claimants in this case are parents of the deceased. That way, the appellant certainly entitled for enhancement of compensation under the head of loss of love and affection and the same is assessed to ₹1,00,000/- in the present case, apart from the amount already awarded by 'The Tribunal'.

6. Accordingly, the appeal is partly accepted and the compensation awarded in this case is enhanced by ₹1,00,000/- on account of loss of love and affection. However, the remaining conditions regarding rate of interest and disbursal of amount shall remain unaltered.

7. Appeal partly accepted.

April 07, 2015
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(SHEKHER DHAWAN)
JUDGE