

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

FAO-4011-2014 (O&M)

Date of Decision: 18.08.2015

Meena & another

.....Appellants

Versus

Surender & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI

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

Present:- Mr. Sumit Sangwan, Advocate
for the appellants.

Mr.Dinesh Kumar, Advocate for
Mr. R.S. Madan, Advocate
for respondent No.2.

K.C. PURI, J (Oral)

This is an appeal directed by the appellants for enhancement of compensation against the award dated 6.12.2013 passed by learned Motor Accident Claims Tribunal, Bhiwani (for short 'the Tribunal') vide which a sum of ₹ 2,45,000/- was allowed along with interest @ 6% per annum from the date of filing of petition till actual realisation on account of death of Gulshan aged 7 years on 19.3.2011 in a motor vehicular accident.

Learned Tribunal by relying upon the authority of Hon'ble Supreme Court in case titled as ***R.K. Malik and another vs. Kiran Pal and others, 2009 ACJ P1924*** allowed a sum of

₹2,45,000/- as compensation in respect of death of 7 years child. Notional income of the deceased was taken as ₹ 15,000/- and by applying the multiplier of 15 the amount calculated was ₹ 2,25,000/-. A sum of ₹ 10,000/- was allowed for funeral expenses and another sum of ₹ 10,000/- was allowed in respect of transportation charges. In this manner, the total compensation was calculated as ₹2,45,000/-.

Learned counsel for the appellant has relied upon the authority of Hon'ble Supreme Court in case titled as ***Kishan Gopal another vs. Lala and others, 2013(4) RCR (Civil) 276*** and on the strength of the same it is argued that a sum of ₹ 5,00,000/- was allowed in respect of death of a child of 10 years.

On the other hand, counsel for the Insurance Company has supported the award of the learned Tribunal and has submitted that the amount of compensation has been awarded keeping in view the authority of Hon'ble Supreme Court in ***R.K. Malik's*** case (supra) and, as such, no ground for enhancement of compensation is made out.

I have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

So far as the authority of Hon'ble Supreme Court in ***R.K. Malik's*** case (supra), is concerned, the accident in that case had taken place on 18.11.1997 and in these circumstances the notional income was taken as ₹ 15,000/-, however, in the

present case the accident had taken place on 19.3.2012. The Hon'ble Supreme Court in ***Kishan Gopal's*** case (Supra) has taken the notional income of ₹30,000/- in respect of death of 10 years old child. Another sum of ₹50,000/- was allowed under conventional heads. So, by taking the notional income of the deceased as ₹30,000/- per annum the amount of compensation by applying the multiplier of 15 comes to ₹4,50,000/-. Another sum of ₹ 50,000/- stands allowed under conventional heads. In this manner, the claimants are held entitled to claim ₹5,00,000/- as compensation instead of ₹2,45,000/-. The claimants are also held entitled to claim interest @ 7.5 per annum on the enhanced amount from the date of filing of the petition till realisation. The amount already paid shall be adjusted against the said amount.

The appeal stands disposed of accordingly.

18.08.2015
sp

(K.C. PURI)
JUDGE