103 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4041 of 2015 (O&M)
Date of Decision: July 08, 2015

Shri Ram General Insurance Company Limited .... Appellant

vs.

Parmila and others .... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Sheenu Sura, Advocate for the appellant.

1.Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

CM-12886-CII-2015

There is a delay of 78 days in filing the present appeal.

For the reasons mentioned in the application supported by an affidavit of Ankur Joshi, Branch Manager, Shri Ram General Insurance Co. Ltd., delay of 78 days in filing the present appeal is condoned subject to all just exception.

Application stands disposed of.

FAO-4041-2015

Challenged in the present appeal is the Award dated 02.01.2015 passed by the Motor Accident Claims Tribunal, Sonipat (in short 'the Tribunal') vide which the claimants were awarded compensation to the tune of ₹9,21,112/- (rupees nine lac twenty one thousand one hundred twelve only) along with interest @ 7.5% per annum from the date of filing of the claim petition till its realization on account of death of Vishal.

Brief facts of the case are that in an unfortunate motor vehicular accident, which occurred on 18.04.2013, Vishal, aged about 20 years, who was a student of Polytechnic in Civil Engineering died. His parents filed a claim petition against the driver and owner of the offending motorcycle bearing registration No.HR-42B-0255. The Tribunal assessed monthly earning of the deceased @ ₹8,000/- and deducted 1/3rd of the income as personal expenses and multiplier of 14 was applied as per the age of the mother of the deceased. ₹25,000/- were allowed towards funeral expenses and a compensation of ₹9,21,112/- along with interest @ 7.5% per annum from the date of filing of the claim petition till its realization was awarded.

The Insurance Company has come up in the present appeal on the ground that the compensation amount awarded is excessive.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

After going through the file, I am of the view that in fact the amount awarded to the claimants is on the lower side. Nothing has been awarded on account of future prospects as well as on account of love and affection to the parents of the deceased. In case of a student, notional income is to be taken for which no deduction is to be made. Since the deceased was a student of Polytechnic in Civil Engineering, therefore, after completion of the course, he would likely to have earned handsome salary. Even if his notional income is assessed @ ₹5,000/- and without in addition on account of future prospects, multiplier of 18 as per age of the deceased is applied, the amount of compensation on account of dependancy comes to ₹10,80,000/- and if ₹1,00,000/- is allowed for loss of love and affection to the parents, the total amount of compensation would be around ₹11,80,000/- and by adding the funeral expenses, it will touch ₹12,00,000/-.

It being so, the Insurance Company should not have any grouse against the compensation awarded by the Tribunal, which is on the lower side.

Thus, I do not find any merit in the present appeal and the same is dismissed.

(KULDIP SINGH)
JUDGE

July 08, 2015
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