

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

FAO No. 6954 of 2015 (O&M)

Date of decision: 13.10.2015

Shriram General Insurance Company Limited

... Appellant

versus

Smt. Beena and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Punit Jain, Advocate for the appellant.

K.Kannan, J.

The appeal by the Insurance Company is on the issue of quantum of compensation. The deceased was a student of 2nd year graduate course in Agriculture. The court assessed the income of a labourer at Rs. 6,655/-, worked out 50% increase and granted compensation @ Rs. 11,03,272/- for the parents. The counsel's argument is that there is no scope for providing for a prospect of increase for notional income. I will accept it as a matter of principle but I still will hold that the notional income which the Court took was on the basis that he was a labourer. The person undergoing a graduate course in Agriculture need not have taken a job as labourer and the overall income was taken as Rs. 9, 982.50 would still conform to law since there are instances of students in medical college as a person capable of earning Rs. 25,000/- per month. In Ashvinbhai Jayantilal Modi Vs. Ram Karan Ramachandra Sharma, 2015 (2) SCC 180, the assessment of even less than Rs. 10,000/- for a student of B. Sc Agriculture Graduate course was taken as reasonable. The scales of compensation have indeed increased over a period of time and a provision for loss of love and affection for parents has is now brought at Rs. 1,00,000/- which the Tribunal did not give. Even loss to estate is assessed at higher amount in some other decisions. I am informed that

the claimants have themselves preferred an appeal seeking for enhancement. The case would indeed required to be considered where there is a scope for enhancement and not for reduction as canvassed by the counsel for the Insurer.

There is no merit in appeal and is dismissed.

The amount which is deposited is ordered to be transferred to the Tribunal for payment to the claimants in part satisfaction of the award.

(K.KANNAN)
JUDGE

13.10.2015

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