

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

**FAO-908-2014 (O&M)**

**Date of Decision: 18.08.2015**

Reliance General Insurance Company Limited

.....Appellant

Versus

Jagdish & 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. Raj Kumar Bashamboo, Advocate  
for the appellant.

Mr. Vijay Dahiya, Advocate  
for the respondents.

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**K.C. PURI, J (Oral)**

This is an appeal directed by Insurance Company regarding amount of compensation awarded by the Tribunal in respect of death of Gurpreet Singh aged 8 years in a motor vehicular accident on 17.6.2012.

Learned Tribunal after adjudication accepted the claim petition and allowed a sum of ₹ 7,25,000/- as compensation on account of death of Gurpreet Singh in a motor vehicular accident.

The insurance company has directed this appeal on the ground that the amount awarded is on higher side. Counsel for the appellant has relied upon the authority of Hon'ble

Supreme Court in case titled as ***R.K. Malik and another vs. Kiran Pal and others, 2009 ACJ 1924*** on the basis of which it is argued that the notional income of ₹15,000/- should have been taken and multiplier of 15 should have been applied. On the contrary, counsel for the claimants-respondents 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***.

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

Learned Tribunal has relied upon the authority of this Court in case ***Arshdeep Kaur and another vs. Jaspal Singh and others, 2012(5) RCR (Civil) 150*** and allowed a sum of ₹7,25,000/-. However, in that case the amount calculated was ₹7,25,000/- and the age of the child was 6½ years. Grand father of the deceased was held negligent in taking the child, so 50% amount was deducted in respect of contributory negligence. So far as the authority of Hon'ble Supreme Court in ***R.K. Malik's*** case (supra) relied upon by learned counsel for the appellant, is concerned, that relates to an accident which took place on 18.11.1997 whereas in the present case the accident had taken place on 17.6.2012, so due to inflation the notional income has to be increased. In ***Kishan Gopal's*** case (Supra) the Hon'ble Supreme Court has taken the notional income of ₹30,000/- in respect of death of a 10 years 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 ₹ 25,000/- stands allowed in respect of expenses on last rites and a sum of ₹1,00,000/- stands allowed in respect of loss of love and affection. In this manner, the amount of compensation is restricted to ₹5,75,000/- instead of ₹ 7,25,000/-. The remaining terms shall be the same as ordered by the Tribunal.

The appeal stands partly allowed.

**18.08.2015**  
**sp**

**(K.C. PURI)**  
**JUDGE**