

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 8496 of 2015 (O&M)
Date of Decision : 18.12.2015

United India Insurance Co. Ltd.Appellant

Versus

Shinder Pal Kaur and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Suvir Dewan, Advocate
for the appellant-Insurance Company.

Surinder Gupta, J.

This is appeal by United India Insurance Co. Ltd. against the award dated 07.09.2015 passed by Motor Accident Claims Tribunal, Sangrur (later referred to as 'the Tribunal') whereby compensation of ₹ 5,30,000/- was awarded for the death of Manpreet Singh @ Amanpreet Singh in a motor accident.

2. As the only dispute is with regard to quantum of compensation, detail facts of the case are not being discussed.

3. Learned counsel for the appellant-Insurance Company has argued that the petition was filed under Section 163-A of the Motor Vehicles Act, 1988 (later referred to as 'the Act'), and notional income of an un-employed deceased in 2nd Schedule under Section 163-A of the Act, is described as ₹ 15,000/- per annum but the Tribunal has taken the notional income of the deceased, who was 18 years of age, as ₹ 30,000/- per annum and in the process has wrongly relied upon the observations in case of **Kishan Gopal and another vs. Lal and others, 2014 (1) SCC 244.**

4. I have carefully considered the submissions of learned counsel for the appellant but find no substance therein so as to agree with him.

5. In case of **Kishan Gopal (supra)**, the Apex Court dealt with the issue of notional income of those persons who had no income prior to the accident and observed that “in view of the aforesaid reasons, it would be just and reasonable for us to take his notional income at ₹ 30,000/- per annum.” The above observations were made with regard to death of a young boy of 10 years of age. While giving reasons for taking notional income of the deceased at higher level than mentioned in the 2nd Schedule under Section 163-A of the Act, it was observed that “the rupee value has come down drastically from the year 1994, when the notional income of the non-earning member prior to the date of accident was fixed at ₹ 15,000/- per annum.”

6. In view of above observations in case of **Kishan Gopal (supra)**, the Tribunal has committed no error of law while taking the notional income of the deceased, who was a young boy of 18 years of age, as ₹ 30,000/- per annum.

7. No other point has been argued.

8. In view of my above discussion, the Tribunal has committed no error of law and fact while awarding the compensation of ₹ 5,30,000/-, which is not on higher side. This appeal has no merits and the same is dismissed.

December 18, 2015
jk

(SURINDER GUPTA)
JUDGE