

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

FAO-3678-2002

Date of decision : 14.01.2016

Madan Lal and another

..... Appellants

versus

Jaswinder Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Vijay Lath, Advocate
 for the appellants.

 Mr. Gaurav Gupta, Advocate for
 Mr. G.D.Gupta, Advocate
 for respondent No.3.

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?

AJAY TEWARI, J. (Oral)

This appeal has been filed by the claimants for the enhancement of compensation and to modify the award dated 09.04.2002 on account of death of Rajiv Kumar, aged 12 years, in a motor vehicular accident.

The Tribunal awarded consolidated amount of Rs.1,20,000/- (inclusive of the conventional charges) to the claimants.

Learned counsel for the appellants has relied upon *Kishan Gopal and another Vs. Lala and others, Civil Appeal No.7137-2013 decided on 26.08.2013* where in similar circumstances the notional income of a 10 year old child was taken as Rs.30,000/- p.a. and the multiplier of 15

has been applied as per the age of the young parents and in these circumstances the award of consolidated compensation is vitiated in the present case.

Learned counsel for the respondent No.3 has not been able to cite any contrary judgment.

Consequently, the appeal is allowed. It is directed that to calculate compensation the notional income of the deceased be taken as Rs.30,000/- p.a. and the multiplier of 15 has to be applied by considering the young age of parents.

The enhanced amount shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization. The apportionment and management of compensation would be as per the direction of the Tribunal.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

14.01.2016*Pooja Sharma-I***(AJAY TEWARI)
JUDGE**