

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

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**FAO No. 5517 of 2012  
Date of decision: 08.09.2016**

**Sukhwinder Kaur & Another**

**...Appellants**

**Vs.**

**Som Nath & Others**

**...Respondents**

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Vikram Bali, Advocate  
for the appellants.

Mr. D. K. Prajapati, Advocate for  
Mr. R. S. Madan, Advocate  
for respondent No. 3-Insurance Company.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation in regard to death of Neha, their daughter, in a motor vehicular accident that took place on 14.06.2009. The learned Motor Accidents Claims Tribunal (*for short 'the Tribunal'*) assessed notional income of the deceased at ₹15,000/- per annum. After deducting 1/3<sup>rd</sup> towards personal expenses, annual dependency was assessed at ₹10,000/- and a multiplier of 15 was applied to compute loss of dependency at ₹1,50,000/-. In addition, an amount of ₹50,000/- has been awarded as conventional compensation and ₹5,000/- towards funeral and last rites expenses.

2. Counsel for the appellant has submitted that compensation awarded by the Tribunal needs enhancement both for loss of dependency as well as under conventional heads.

3. Counsel for the Insurance Company has supported the award passed by the Tribunal.

4. I have heard counsel for the parties, perused the paper book, particularly the award passed by the learned Tribunal.
5. Neha, daughter of the claimants was 10 years old. The Tribunal has assessed notional income at ₹15,000/- per annum by taking clue from the Second Schedule appended to Section 163-A of the Motor Vehicles Act. As the Tribunal has assessed the notional income, no deduction is permissible. By taking into consideration loss of notional income @ ₹15,000/- per annum, loss of dependency comes to ₹2,25,000/-.
6. The mother of the deceased is awarded an amount of ₹75,000/- for loss of love and affection. The claimants are awarded an amount of ₹ 25,000/- for funeral expenses. The total compensation comes to ₹2,25,000 + ₹75,000 + ₹25,000 = ₹3,25,000 and the enhanced compensation is ₹3,25,000 – ₹2,05,000 = ₹1,20,000 payable with interest @ 7.5% from the date of filing of petition till realization. The medical expense to the tune of ₹11,629/- awarded by the Tribunal is affirmed. The enhanced compensation shall be paid exclusively to mother of the deceased.
7. The appeal is partly allowed in the aforesaid manner.

**September 08, 2016**  
*Ansari*

**(REKHA MITTAL)**  
**JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether Reportable*

*Yes/No*