

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

(1)

**FAO No.10450 of 2014
Date of decision : 26.05.2016**

Madan Singh and another

.....Appellants

Versus

Gurnam Singh and others

...Respondents

(2)

FAO No.2743 of 2015 (O&M)

Vinod Kumar and another

.....Appellants

Versus

Gurnam Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: **Mr. Sandeep Goyal, Advocate for appellants
in both the appeals.**

**Mr. S.S. Sivia, Advocate for respondents No.2 & 3
in both the appeals.**

**Mr. Punit Jain, Advocate for respondent No.4
in both the appeals.**

DARSHAN SINGH, J.

This judgment shall dispose of both the appeals mentioned above, which have arisen out of the same award dated 04.04.2014, passed by the learned Motor Accidents Claims Tribunal, Karnal (hereinafter called the 'Tribunal'), vide which Madan Lal and another the appellants-claimants of FAO No.10450 of 2014 have been awarded compensation to the tune of Rs.4,70,000/- as compensation on account of death of their son Bhupinder and Vinod Kumar and another the appellants-claimants of FAO No.2743 of 2015 have been awarded compensation to the tune of Rs.5,00,000/- on account of death of their son Aashu Rana, in the motor vehicular accident, which took place on 20.03.2012.

2. Both the appeals have been filed by the appellants-claimants for enhancement of amount of compensation.

3. Learned counsel for the appellants contended that deceased Bhupinder was 19 years of age but the learned Tribunal has taken his notional income only to the extent of Rs.30,000/- per annum, which is on the lower side. He further contended that the multiplier has also been applied wrongly in view of the age of the claimants. Similarly, the income of deceased Aashu has also been taken on lower side and multiplier has also been applied wrongly. Thus, he contended that the just compensation has not been awarded to the claimants.

4. On the other hand, Mr. Punit Jain, Advocate, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has taken into consideration all the heads to compute the compensation and

the compensation already awarded in both the claim petitions is just and appropriate.

5. I have duly considered the aforesaid contentions.

6. The Hon'ble Supreme Court in case ***Kishan Gopal and another Vs. Lala and other 2013(4) RCR (Civil) 276*** has dealt with death of the child of 10 years of age and in that case the notional income of the deceased was taken to be Rs.30,000/- per annum. But in the instant case, deceased Bhupinder the son of appellants of FAO No.10450 of 2014 was 19 years of age and he was assisting his parents to earn the livelihood. So, the notional income of deceased Bhupinder can be safely taken to be Rs.36,000/- per annum.

7. As per the law laid down by Hon'ble Apex Court in case ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304***, the multiplier shall be applicable as per the age of the deceased. As deceased Bhupinder was 19 years of age, so the multiplier of 18 shall be applicable. The multiplicand comes to Rs.6,48,000/-. So, the claimants shall be entitled to Rs.6,48,000/- on account of loss of dependency. In case ***Kishan Gopal and another Vs. Lala and others*** (supra), the Hon'ble Apex Court has granted Rs.50,000/- under conventional heads i.e. for loss of love and affection, funeral expenses and last rites etc. So, the appellants-claimants of FAO No.10450 of 2014 shall also be entitled to Rs.50,000/- on account of these conventional heads. So, the total amount of compensation comes to Rs.6,98,000/-, which is payable to the claimants of FAO No.10450 of 2014 on account of death of their son

Bhupinder in the accident.

8. Now we take up case FAO No.2743 of 2015. In this case, learned Tribunal has awarded compensation to the tune of Rs.5,00,000/- on account of death of Aashu Rana the son of appellants Vinod Kumar and another. Deceased Aashu was only 14 years of age. The learned Tribunal has taken the notional income of the deceased to be Rs.30,000/- per annum. In view of the age of the deceased and ratio of law laid down by Hon'ble Apex Court in case ***Kishan Gopal and another Vs. Lala and others*** (supra), no fault can be found with the notional income of the deceased determined by the learned Tribunal. The learned Tribunal has also rightly applied the multiplier of 15 which would have been applicable even if the age of the deceased is taken into consideration as he was below 15 years of age. The learned Tribunal has also awarded Rs.25,000/- towards loss of love and affection and Rs.25,000/- towards funeral expenses. So, Rs.50,000/- have been awarded by the learned Tribunal under the conventional heads and the total Rs.5,00,000/- have been awarded as compensation. The said compensation is just and appropriate and does not call for any enhancement.

9. Thus, keeping in view my aforesaid discussion, FAO No.10450 of 2014 is hereby partly allowed and the amount of compensation is enhanced to Rs.6,98,000/- from Rs.4,70,000/-, as awarded by the learned Tribunal. The appellants-claimants shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petitions till realisation. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main

award. However, the FAO No.2743 of 2015 is devoid of any merit and same is hereby dismissed.

26.05.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**