IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1155 of 2014 and
Cross Objection N0. 160 CII of 2014 (O&M)
Date of Decision: March 11, 2016

United India Insurance Company Limited
...Appellant

Versus

Machla Devi and others
...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. V. Ramswaroop, Advocate,
for the appellant.

Ms. Ekta Thakur, Advocate, for
for respondents No. 1 and 2/Cross-Objectors.

Mr. Bikram Singh, Advocate,
for respondent No.3.

K. KANNAN, J. (Oral)

1. The appeal is by the insurer challenging the quantum of compensation assessed at ₹9.97 lakhs. The claimants have preferred the cross-objections seeking for further enhancement. It was a case of a college student doing a Bachelor of Arts degree. Admittedly, he was not earning. The Tribunal projected an income of ₹6,000/-, prospected a future increase at 50% and determined the compensation. The principles for applying future increase must be in a situation where a person was an actual earning member. To a student who had not yet started earning, the principle will be the expectation of the member of a family what he could have earned. For a student of art graduate degree, if the Court was, therefore taking an average income at ₹6,000/-, it is, in my opinion, already on the higher side. I do not,

however, think it is essential to reduce the compensation, for, the Tribunal has not provided for any amount for loss of love and affection for parents that is compensated, however, by relatively higher assessment towards the loss of dependency. The compensation assessed overall at ₹9.97 lakhs would be just and would not require any interference.

2. The appeal and the cross-objections are dismissed.

March 11, 2016 **(K.KANNAN)**
prem **JUDGE**