

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

FAO-1396-2014 (O&M)

Date of decision: 22.3.2016

Rajesh Yadav and another

...Appellants

Versus

Kailash Chand and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Ms.Kaavya Jariyal, Advocate for
Mr.SK Yadav, Advocate for the appellants

Mr.Sanjeev Goyal, Advocate
for respondent No.3.-Insurance Company

SNEH PRASHAR, J.

This appeal was filed by the claimants-appellants for enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Narnaul (for short 'the Tribunal'), vide award dated 18.5.2013, on account of death of Vipil, son of the appellants, in a motor vehicular accident.

The submissions made by Ms.Kaavya Jariyal, Advocate for the appellants and Mr.Sanjeev Goyal, Advocate for respondent No.3-Insurance Company have been heard and record perused.

It is submitted on behalf of the appellants that despite the fact that the deceased was a school student aged 15 years and also used to help his father in agricultural pursuits, learned Tribunal assessed his

income as Rs.15,000/- per annum only, which is on extremely lower side.

The amount awarded under other conventional heads is also inadequate.

Admittedly, Vipil lost his life due to rash and negligent driving of the offending truck by its driver respondent No.1. There is also no dispute regarding liability of the Insurance Company to pay the compensation to the claimants/appellants being insurer of the offending truck. Perusal of the evidence led before the Tribunal shows that no substantive evidence with regard to income of the deceased was led by the appellants. There is only bald statement of PW1 Rajesh Yadav, father of the deceased that his son used to earn an amount of Rs.7000/- per month. However, keeping in view the age of the deceased and the fact that he was a young boy and his father being an agriculturist he must be helping him in agricultural pursuits to contribute to the earnings of the family, his notional income is assessed as Rs.20,000/- per annum.

In the present case the claimants are the parents. Following the law laid down in **Amrit Bhanu Shali and others vs. National Insurance Co. Ltd. 2012 (4) RCR (Civil) 343**, the amount awarded under loss of love and affection is enhanced to Rs.one lac and the amount awarded on account of funeral expenses is also enhanced to Rs.25,000/-.

No other point has been raised by either of the parties.

Accordingly, the total compensation comes to Rs. 4,85,000/- (Rs.20,000/- annual income x 18 (multiplier) + 1,25,000 (under the

conventional heads including the amount already awarded). The enhanced compensation of Rs.1,95,000/- (4,85,000-2,90,000) shall be paid to appellants within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest @ 7.5 % per annum from the date of filing of the appeal till its realisation.

In view of the above, the present appeal is partly allowed and the award is modified to the above extent.

22.3.2016
gsV

(SNEH PRASHAR)
JUDGE