IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1412-2014 (O&M)
(MACT case No.162 of 01.02.2012)
Date of decision: 3.5.2016

Sumer Singh and another

...Appellants

Versus

Ravinder and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.NS Panwar, Advocate for the appellants

Mr.Sushil Jain, Advocate for respondents No.1

None for respondent No.2.

Mr.RN Singhal, Advocate for respondent No.3.

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SNEH PRASHAR, J.

The present appeal is for enhancement of compensation awarded to the appellants by Motor Accident Claims Tribunal, Sonepat (for short, "the Tribunal") vide the award dated 25.9.2013 passed in MACT case No.162 of 2012-13 on account of death of Sumit, son of the appellants, who lost his life in a vehicular accident.

The submissions made by Mr. NS Panwar, Advocate representing the appellants, Mr.Sushil Jain, Advocate for respondent No.1 and Mr.RN Singhal, Advocate for respondent No.3 have been heard and record perused.

Learned counsel for the appellants- claimants submitted that the deceased was a brilliant student of 12th standard of non-medical stream, but learned Tribunal ignoring the said facts awarded only a meager amount of Rs.2 lacs in lump sum as compensation.

Indisputably, Sumit, son of the appellants, died due to the injuries sustained by him in a road side accident caused by respondent No.1, driver of the offending bus. He was a young boy aged 16 ½ years at the time of his death and was a student of 12th standard. Besides doing studies, being a young boy he must be helping his parents in household work. Soon after completing studies he would have got engaged in some work to earn a living for himself and his family would have supplemented the family earnings. The incident is of the year 2011. Keeping in view the age of the deceased and other relevant factors, the notional income of the deceased is assessed as Rs.3000/- per month. Following the law laid down in **Amrit Bhanu Shali and others vs. National Insurance Co. Ltd. 2012 (4) RCR (Civil) 343**, the multiplier of 18 and the deduction of 1/2 to the income of the deceased on account of his personal and living expenses would be applicable.

As per law laid down by Hon'ble Apex Court in **Rajesh and others vs. Rajbir Singh and others, 2013(9) SCC 54** addition of 50% to the actual income of the deceased has to be made computing future prospects. The claimants-appellants are also entitled to Rs.50,000/- on account of loss of love and affection and Rs.25,000/- on account of last rites expenses.

Accordingly, the total compensation comes to Rs.5,61,000/- (3,000 (monthly income) + 50% (future prospects) – 1/2 (deduction towards personal and living expenses of the deceased) x 12 x 18 (multiplier) +75,000 (under the conventional heads). The enhanced amount of Rs.3,61,000/- (5,61,000 -2,00,000) shall be paid to the appellants within two months from the date of the receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of filing of the appeal, till its realization.

With the above modification in the award, the present appeal is partly allowed.

3.5.2016 **(SNEH PRASHAR)**
gsv **JUDGE**