

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

**FAO No.1573 of 2014  
Decided on: 17.11.2016**

Bahadur Singh and another

....Appellants

Versus

Mohmed Ashin and others

....Respondents

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

**Present :** Mr. Ram Kumar Saini, Advocate  
for the appellants.

Mr. D.R. Bansal, Advocate  
for respondent No.3.

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

The claimants are in appeal seeking enhancement of compensation in regard to death of Poonam aged 18 years in a motor vehicular accident that took place on 27.06.2011.

The learned Tribunal assessed income of the deceased at Rs.4,600/- per month, deducted 50% for personal expenses, adopted a multiplier of 18 and computed loss of dependency to the tune of Rs.4,96,800/-. Another amount of Rs.10,000/- towards expenses on last rites and transportation and loss of love and affection was awarded making total compensation of Rs.5,06,800/-.

Counsel for the appellants has submitted that the deceased was a student of 10<sup>th</sup>+2, therefore, income is liable to be assessed by considering her to be a highly skilled person. The Tribunal has not allowed benefit of increase for future prospects. Compensation awarded under conventional heads needs enhancement.

Counsel for the insurance company, on the contrary, has

supported the award passed by the Tribunal with the submission that as the Tribunal has assessed notional income of the deceased who was admittedly non-working, there is no question of allowing benefit of future prospects.

I have heard counsel for the parties and perused the paperbook particularly the award passed by the learned Tribunal.

Counsel for the insurance company has not disputed that the deceased was a student of 10<sup>th</sup>+2. Getting a clue from wage fixed for workers from skilled to highly skilled by the State of Haryana and available in June, 2011, income of the deceased is assessed at Rs.5,000/- per month. No doubt, the deceased was not working at the relevant time but it cannot be held that had she remained alive she would not have progressed in life with regard to her capacity to earn. After extending benefit of future prospects to the extent of 50%, loss of dependency comes to **Rs.8,10,000/-** (Rs.5,000 x 12 x 18 = Rs.10,80,000/- + Rs.5,40,000/- (50% for future prospects) = Rs.16,20,000/- – Rs.8,10,000/- (50% deduction towards personal expenses).

The claimants shall be entitled to an amount of **Rs.25,000/-** for expenses on funeral and mother of the deceased is awarded an amount of **Rs.50,000/-** for loss of love and affection. The total compensation comes to Rs.8,85,000/- and the enhanced compensation is **Rs.3,78,200/-** (Rs.8,85,000/- – Rs.5,06,800/-) payable with interest 7.5% per annum from the date of petition till realization. The additional amount of compensation shall be payable exclusively to mother of the deceased and the same shall be deposited in a fixed

deposit receipt for a period of two years.

The appeal is partly allowed in the aforesaid terms.

17.11.2016  
*yakub*

(REKHA MITTAL)  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No