

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

FAO-3425-2013 (O&M)

Date of decision: 13.5.2016

Neelam Kumar @ Neelam Devi and another

...Appellants

Versus

Balwant Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Kuldeep Joshi, Advocate for
Mr.AS Dhaliwal, Advocate for the appellants

Mr.Amit Gupta, Advocate for respondent No.2 and 3

Ms.Monika Jangra, Advocate for
Mrs.Vandana Malhotra, Advocate for respondent No.4.

SNEH PRASHAR, J.

The present appeal had been filed by claimants (parents of deceased Arun @ Annu, a child aged 15 years), seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Gurdarspur (for short, “the Tribunal”) vide the award dated 1.11.2012 passed in MACT Case No.44 of 2005.

The submissions made by learned counsel for the parties have been heard and record perused.

Learned counsel for the appellants argued that the deceased was aged 15 years and was 10th class student. Learned Tribunal assessed the notional income of the deceased as Rs.15,000/- per annum and applying the multiplier of '15' and deducting 1/3rd towards personal and living expenses of the deceased, allowed only an amount of

Rs.1,50,000/- towards loss of dependency. Also a meager amount of Rs.9500/- on account of general damage was allowed.

On the other hand, learned counsel for the respondents submit that the compensation awarded by learned Tribunal is just and appropriate as the deceased was a non earning person.

The fact that Arun @ Annu was aged 15 years and he died due to the injuries suffered by him in a roadside accident, is not in issue. The grievance of the appellants is that they had not been adequately compensated.

In Kishan Gopal and another vs. Lala and others, 2013

(4) R.C.R. (Civil) 276 the deceased was a boy aged 10 years. The Hon'ble Supreme Court by taking the notional income of the child as Rs.30,000/- per annum and applying the multiplier of '15' as provided in the Second Schedule of the Motor Vehicles Act, 1988, awarded a sum of Rs.4,50,000/-. In addition to same, Rs.50,000/- was allowed under the conventional heads. In the case in hand, the deceased was a student of Class 10th. He was a non-earning person. As such, following the ratio of **Kishan Gopal and another's case (supra)**, the compensation awarded by learned Tribunal is enhanced from Rs.1,59,500/- to Rs.5,00,000/- (Rs.4,50,000/- plus Rs.50,000/- under conventional heads).

Accordingly, the enhanced compensation of Rs.3,40,500/- shall be paid to the claimants-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.

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

13.5.2016
gsv

(SNEH PRASHAR)
JUDGE