

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

FAO-1250-2015

Date of decision: 24.5.2016

Pushpa Singh Chauhan and another

...Appellants

Versus

Devinder Singh Pathania and another

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Ms.Amandeep Kaur, Advocate for
Mr.Ashwani Arora, Advocate for the appellants

Mr.Paul S.Saini, Advocate for respondent No.2

SNEH PRASHAR, J.

The Claimants-appellants being parents of the deceased Nitesh Kumar Singh, who lost his life in a road side accident on 13.10.2013, have filed the present appeal for enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, SAS Nagar Mohali, (hereinafter referred to 'the Tribunal') vide award dated 20.11.2014 passed in Claim Petition No.RT-29 of 6.11.2013/20.2.2014.

The submissions made by Ms.Amandeep Kaur, Advocate representing the appellants and Mr.Paul S.Saini, Advocate for respondent No.2- Insurance Company have been heard and record perused.

Learned counsel for the appellants raised two fold arguments (i) the income of the deceased assessed by learned Tribunal is

very less and (ii) nothing was awarded on account of loss of love and affection.

Deceased Nitesh Kumar Singh was 23 years aged and was a student of Final year of B.Tech (Mechanical). The deceased was a non-earning person but keeping in view his academic record, learned Tribunal assessed his income as Rs.10,000/- per month and further added 50% to it computing future prospects, which appears adequate and needs no change. Considering the law laid down in **Amrit Bhanu Shali and others vs. National Insurance Co. Ltd. 2012 (4) RCR (Civil) 343**, the multiplier of 18 according to the age of the deceased was rightly applied. Since, the deceased was a bachelor and the parents are the only claimants, deduction of 1/2 on account of personal and living expenses of the deceased was also correctly made.

Perusal of the award shows that while awarding compensation under the conventional heads, no amount has been allowed towards loss of love and affection to the mother. Needless to say that the untimely death of the young son caused a grave shock to the mother, which though cannot be quantified yet to compensate the same a sum of Rs.50,000/- is allowed.

Accordingly, the enhanced amount of Rs.50,000/- shall be paid to appellant No.1 -mother of the deceased, within two months from the date of receipt of the certified copy of this judgment, failing which, the same 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.

24.5.2016
gsv

(SNEH PRASHAR)
JUDGE