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

**FAO No.1446 of 2015 (O&M)
Date of decision: 02.02.2016**

United India Insurance Company Limited

... Appellant

versus

Manjit Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ram Avtar, Advocate for the petitioner.

Mr. Ashwani Arora, Advocate for the respondents.

K.Kannan, J. (ORAL)

The Insurance Company is in appeal for compensation assessed at Rs. 9, 97, 000/- for death of a boy who was studying in +2. The Tribunal has given the notional income at Rs. 6,000/-, made a provision of prospect of increase and took the compensation at Rs. 9,97,00/-. The claimants were parents.

It is difficult to draw up any measure of income of a person who is not actually earning. The Courts look to the reasonable expectations of parents depending on the educational qualification, social and economic status of parties. The compensation amounts have varied over a period of time starting at Rs. 3,50,000/- in Lata Wadhwa and others Vs. State of Bihar and others, 2001 (8) SCC 187 to further increase in M.S. Grewal Vs. Deepchand Sppd (2001) 8 SCC 151 to Rs. 5,00,000/- and to still further amount of Rs. 7,50,00/- in Uphaar cinema hall tragedy case and Dabwali fire incident. In Ashvinbhai Jayantilal Modi Vs. Ramkaran Ramchandra Sharma and another, 2015 (2) SCC 180, a student in a Medical College was provided a compensation prospecting his income at Rs. 25,000/- at Rs. 27, 25,000/-. It would, therefore, all seem to be on the rise gradually, Tribunal has assessed compensation on the basis of evidence given as possible income which he would have earned and what he could have contributed to the family. The component of loss of love and affection which has been hitherto a nominal sum has been now recently seen a major spike to factor fairly a large sum at not less than Rs. 1,00,000/- and in this case the Court has not provided any particular sum towards loss of love and affection at all. I decline to make any intervention, for, the Insurance Company ought not to be a heard on quantum unless the amount assessed is so outlandish and outrageous that the Court would apply moderation. I find nothing extra ordinary for intervention in favour of the Insurance Company.

The appeal is dismissed with above observations.

(K.KANNAN)
JUDGE

02.02.2016
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