

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

FAO No.1721 of 2015

Date of decision : 27.08.2016

Urmila Devi

.....Appellant

Versus

Gurdev Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Inderjeet Singh, Advocate for appellant.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-claimant against the award dated 14.11.2014 passed by learned Motor Accidents Claims Tribunal, Yamunanagar at Jagadhri (hereinafter called the “Tribunal”), vide which she has been awarded compensation to the tune of ₹5,00,000/- on account of death of Anjana alias Anjhana as a result of injuries received in the motor vehicular accident which took place on 02.04.2014.

2. The present appeal has been preferred by the appellant-claimant for the enhancement of the amount of compensation.

3. I have heard learned counsel for the appellant and gone through the paper-book meticulously.

4. Learned counsel for the appellant contended that learned Tribunal has awarded less amount of compensation. The deceased was 06 years old at the time of her death. The multiplier has also been applied

wrongly by the learned Tribunal, which has been applied as per the age of her mother. Thus, he pleaded that the compensation awarded by the learned Tribunal is inadequate and unjust.

5. I have duly considered the aforesaid contentions.

6. The present claim petition has been filed by Smt. Urmila Devi the mother of deceased Anjana alias Anjhana who has died in this motor vehicular accident. This fact is not disputed that she was 06 years of age at the time of the accident and was the student of 1st Class. The learned Tribunal has awarded compensation to the tune of ₹5,00,000/-. The Hon'ble Supreme Court in case ***Krishan Gopal and another Vs. Lala and others 2013(4) RCR (Civil) 276*** has awarded the total amount of ₹5,00,000/- as compensation. In that case the deceased was a child of 10 years. He was also assisting his parents in agricultural occupation. The Hon'ble Apex Court has taken his notional income to be ₹30,000/-. The multiplier of 15 was applied. The said amount came to ₹4,50,000/-. In addition to that ₹50,000/- were awarded under conventional heads like loss of love and affection, funeral and last rites expenses. In the instant case the girl child was 06 years of age and was only a student of 1st Class. The learned Tribunal has also awarded ₹5,00,000/- as compensation to the claimant, the mother of the deceased. The learned Tribunal has applied the multiplier of 15, which is appropriate multiplier keeping in view even the age of the deceased. So, the compensation awarded by the learned Tribunal is just and appropriate and no interference in the impugned award is called for.

7. Therefore, the appeal filed by the appellant-claimant being

without any merit, is hereby dismissed.

27.08.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes / No
Whether Reportable : Yes / No