

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

**FAO No.2074 of 2016.**

**Date of Decision: 02.06.2016.**

Swarno and another

....Appellants.

**VERSUS**

Amrit Pal Singh and another

....Respondents.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Radhe Shyam Sharma, Advocate for the appellants.

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**SNEH PRASHAR, J.**

By way of this appeal, appellants-Swarno and another seek enhancement of compensation awarded to them by learned Motor Accident Claims Tribunal, Fatehabad (for short, “the Tribunal”) in MACT Petition No.38 of 2015, on account of death of their minor son, in a motor accident.

The submissions made by Mr. Radhe Shyam Sharma, learned counsel for the appellants have been considered.

Learned counsel for the appellants-claimants argued that the deceased was a child aged 9 years and was a student. He also used to help the appellants in household works. He had a sound health and physique and being intelligent had a bright future, but learned Tribunal wrongly assessed his notional income as Rs.30,000/- per annum and the multiplier of '16' applied by learned Tribunal is inappropriate. Also, the amount of Rs.50,000/- awarded in lump sum on account of loss of love and affection,

funeral expenses and transportation charges is on the lower side. The rate of interest at the rate of 9% per annum allowed by learned Tribunal is also on the lower side and the same should have been 18% per annum.

The fact that Arn, a small boy aged 9 years died due to the injuries suffered by him in a roadside accident, is not in issue. The grievance of the appellants is that they have 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 at Rs.30,000/- per annum and applying the multiplier of '15' according to the age of the parents of the deceased, awarded a sum of Rs.4,50,000/-. In addition to the same, the amount of Rs.50,000/- under the conventional heads was allowed. In the instant case, deceased was a child aged 9 years. He was a student and was non earning person. Following the said ratio of **Krishan Gopal and another's** case (supra), learned Tribunal assessed the notional income of the deceased as Rs.30,000/- per annum and applying the multiplier of '16' awarded a sum of Rs.4,80,000/- to the appellants, which is appropriate. In addition to the above Rs.50,000/- was allowed under conventional heads. Thus, the award passed is in accordance with the provisions of law and is adequate on all fours.

There being no ground for intervention in the award, the appeal is dismissed.

(SNEH PRASHAR)  
JUDGE

**02.06.2016.**  
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