

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

**FAO No.5358 of 2013
Decided on: 20.12.2016**

Gulshana and another	Versus	Appellants
Jai Singh and others		Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Amandeep Singh Rai, Advocate for the appellants.

Mr. Neeraj Khanna, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ludhiana (in short 'the Tribunal') in regard to death of Rukman Ali in a motor vehicular accident that took place on 03.11.2007.

The Tribunal assessed consolidated sum of Rs.4,00,000/- payable to unfortunate parents of deceased – Rukman Ali.

Counsel for the appellants has submitted that the deceased was 15 years old and a student of 9th standard in Government Senior Secondary School, Sahnewal. It is further argued that Hon'ble the Supreme Court of India in “**Krishan Gopal and another vs Lala and others**”, 2013 ACJ 2594, awarded an amount of Rs.5,00,000/- in a case of death of a child aged 10 years in the year 1992. It is argued that in view of the facts and circumstances obtaining in the present case, claimants are entitled to compensation more than Rs.5,00,000/-.

Counsel for the insurance company while refuting contentions of counsel for the appellants has submitted that in **Krishan Gopal and another's case (supra)**, the Court assessed notional income

of the deceased at Rs.30,000/- per annum by taking into consideration evidence that the deceased was helping his father in agricultural operations.

I have heard counsel for the parties, perused the paperbook and the award passed by the Tribunal.

There is no dispute about the fact that the deceased was 15 years old and a student of 9th standard. However, there is no evidence on record with regard to his academic performance or the career he would have perused had he remained alive. It is not clear on record as to what was the social and financial status of the family of the deceased. However, taking a clue from the judgment in *Krishan Gopal and another's case (supra)* coupled with that the deceased was 15 years old and a student of 9th standard, it would be in the fitness of things if the appellants are awarded an amount of Rs.6,00,000/- including the amount for loss of love and affection as well as expenses on funeral. Accordingly, the claimants are held entitled to an amount of Rs.6,00,000/-. Resultantly, additional amount of Rs.2,00,000/- shall be payable with interest @ 7.5% per annum from the date of petition till realization exclusively to mother of the deceased, to be deposited in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

20.12.2016

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(REKHA MITTAL)
JUDGE

1. Whether speaking/reasoned Yes/No

2. Whether reportable: Yes/No