IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5093 of 2014

Date of decision : 24.09.2016

Bindu Devi & anr. ....Appellants

V/s

Pinto Singh & ors. ....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Suri, Advocate for the appellants.
Mr. Sanjay Verma, Advocate for respondent no. 2.
Mr. Pradeep Kumar, Advocate for respondent no. 3.

RAJAN GUPTA J.

Present appeal is directed against the order dated 16.09.2013 passed by Motor Accident Claims Tribunal, Panchkula vide which the claimants have been awarded compensation of ₹ 75,000/-.

Learned counsel for the appellants has contended that compensation awarded by the tribunal is on the lower side. Income of the deceased has not been correctly assessed. Thus, same needs to be enhanced. He has placed reliance on judgment of Apex court reported as *Manju Devi & anr. vs. Musafir Paswan & anr. 2005 ACJ 99.*

Learned counsel appearing for respondent no. 3, however, submits that compensation has been correctly assessed by the tribunal. Thus, there is no scope for enhancement of compensation granted by the tribunal.

I have heard learned counsel for the parties.

In the accident dated 14.09.2011 Master Karan died leaving behind appellants as legal heirs. The accident and negligence of the offending Vehicle has been proved. After taking into consideration various factors, the Tribunal awarded compensation to the appellants in following terms:

Monthly Income	₹3000
Multiplier of 15 at the rate of ₹3000	₹45000/-
Funeral & last rites	₹25000/-
Loss of Estate	₹5000/-
Total	₹75000/-

Only contention raised by counsel for the appellants is that income as assessed by the tribunal is on the lower side. I am not convinced with the plea. As the deceased was 7 years of age, Tribunal took income of the deceased as ₹3,000/- and applicable multiplier was found to be 15 after taking into consideration judgment in *Sarla Verma & ors. vs. Delhi Transport Corporation & anr. 2009(9) SCC 121.* Applying multiplier of 15, it arrived at a figure of ₹45000/-. Another sum of ₹25000/- and ₹5000/- was awarded on account of funeral and last rites and loss of estate. I find no infirmity with the award passed by the tribunal. Considering the age of the deceased, appropriate multiplier has been applied by the tribunal. As regards income of the deceased same has been rightly assessed. As per section 163-A of the Act one has to go as per Schedule, thus, judgment in Manju Devi's case (supra) is not applicable. No interference is required in appellate jurisdiction of this court. Appeal is without any merit and is hereby dismissed.

September 24, 2016 (RAJAN GUPTA)
Ajay JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No