

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

FAO No.7747 of 2014.

Date of Decision: 18.03.2016.

Vijay Kumar and another

....Appellants.

VERSUS

Varinder Singh and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sandeep Kumar Yadav, Advocate for the appellants.

Mr. H.S. Rakhra, Advocate for respondents No.1 and 2.

Ms. Vandana Malhotra, Advocate for respondent No.3.

SNEH PRASHAR, J.

The present appeal had been filed by claimants (parents of deceased Samiksha, a child aged 06 years), seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Narnaul (for short, "the Tribunal") vide the award dated 01.04.2014 passed in MACT Case No.51 of 2013.

The submissions made by learned counsel for the parties have been heard and record perused.

Learned counsel for the appellants argued that the deceased was the only child of the appellants. Learned Tribunal assessed the notional

income of the deceased as Rs.15,000/- per annum and applying the multiplier of '14' allowed only an amount of Rs.2,10,000/- towards loss of dependency. The amount of Rs.20,000/- awarded as expenses on last rites and transportation and the amount of Rs.20,000/- for loss of love and affection is also on the lower side.

On the other hand, learned counsel for the respondents submit that the compensation awarded by learned Tribunal is just and appropriate as the deceased was a non earning person.

The fact that Samiksha, a small girl aged 6 years died due to the injuries suffered by her in a roadside accident, is not in issue. The grievance of the appellants is that they had not been adequately compensated.

In ***Kishan Gopal and another vs. Lala and others, 2013(4) R.C.R. (Civil) 276*** the deceased was a young 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/- plus Rs.50,000/- under the conventional heads was allowed. Following the said ratio, the compensation awarded by learned Tribunal is enhanced from Rs.2,50,000/- to Rs.5,00,000/- (Rs.4,50,000/- plus Rs.50,000/- under conventional heads). The recovery right given to the respondent-insurance company by learned Tribunal shall remain in tact.

Accordingly, the appeal filed by the appellants-claimants is partly allowed and the award dated 01.04.2014 passed by learned Tribunal

is modified. The enhanced compensation of Rs.2,50,000/- shall be deposited by the respondents within 45 days from the date of receipt of certified copy of this judgment failing which the appellants-claimants shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing the appeal till realization. The amount of compensation will be disbursed to the appellants in terms of shares/conditions incorporated in the award of the Tribunal.

(SNEH PRASHAR)
JUDGE

18.03.2016.
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