

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 7289 of 2015

Date of decision : 05.12.2016

Sukhbir and another

...

.....Appellants

Versus

Sandeep and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sumit Gupta, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for the Insurance company.

...

REKHA MITTAL, J. (ORAL)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Jhajjar, (in short 'the Tribunal') in regard to death of Sumit, minor son aged about 11 years of the claimants, in a motor vehicular accident that took place on 15.8.2012.

Counsel for the appellants has submitted that the Tribunal has assessed income of the deceased at Rs.15,000/- per annum, applied a multiplier of 15, allowed an amount of Rs.75,000/- on account of future prospects. Another amount of Rs.75,000/- on account of non-pecuniary damages, Rs.15,000/- on account of expenses on transportation and funeral, deducted 1/3rd for personal expenses of the deceased and computed total compensation to the tune of Rs.3,15,000/-. It is argued that in view of the

judgment of the Hon'ble Supreme Court of India **Kishan Gopal and another vs. Lala and others 2013 (4) RCR (Civil) 277** the claimants are entitled to compensation more than Rs. 5 lakhs.

Counsel for the Insurance company has supported the award though he has nothing to say with regard to the judgment passed by the Hon'ble Supreme Court **Kishan Gopal's case (Supra)**.

I have heard counsel for the parties, perused the paper-book particularly the award passed by the Tribunal.

The Hon'ble Supreme Court of India in **Kishan Gopal's case (Supra)** assessed notional income of deceased aged about 10 years at Rs.30,000/- per annum and applied a multiplier of 15 to compute total compensation to the tune of Rs.5 lakhs. In view of enunciation of law laid down in **Kishan Gopal's case (Supra)** the claimants are entitled to an amount of Rs. 5 lacs, as allowed in the said case besides an amount of Rs.25,000/- towards expenses on funeral and last rites. In this manner, total compensation comes to Rs.5,25,000/- and the enhanced compensation is Rs.2,10,000/- payable with interest at the rate of 7.5% per annum from the date of petition till realization, exclusively to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(**REKHA MITTAL**)
JUDGE

December 05, 2016
chugh

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No