

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

**FAO No.8341 of 2015
Date of decision : 03.02.2016**

Smt. Saraswati Panwar and another

.....Appellants

Versus

Yashanpreet Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Gaurav Gupta, Advocate for appellants.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 02.09.2015, passed by the learned Motor Accidents Claims Tribunal, Chandigarh (hereinafter called the 'Tribunal'), vide which the compensation to the tune of Rs.14,40,000/- has been awarded to the claimants on account of death of their son Abhishek Panwar in the motor vehicular accident, which took place on 06.02.2013.

2. The present appeal has been preferred only for enhancement of the compensation.
3. I have heard Mr. Gaurav Gupta, Advocate, learned counsel for the appellants and gone through the paper-book carefully.

4. Learned counsel for the appellants contended that the learned Tribunal has not properly calculated the compensation. The deceased was a student of B.Tech, final year. His income has not been properly taken. The future prospects have also not been properly granted. Thus, the less amount of compensation has been awarded to the claimants.

5. I have duly considered the aforesaid contentions.

6. The claimants who are the parents of the deceased Abhishek Panwar have filed this petition for grant of compensation. It has come in evidence that the deceased was a student of final semester of B.Tech Electronics and Computer Engineering, but he was not still employed. The learned Tribunal has taken the notional income of the deceased @ Rs.7500/- per month, the minimum wages for a skilled labour fixed by the Labour Department, U.T. Chandigarh. The notional income of Rs.7500/- per month for a student cannot be stated on the lower side from any angle.

7. The plea raised by learned counsel for the petitioner that future prospects have not been granted as per the law is against the record. The age of deceased was 24 years. The learned Tribunal has awarded 50% increase in the income of the deceased by way of future prospects, which is perfectly in accordance with the law laid by the Hon'ble Apex Court in case ***Rajesh and others Vs. Rajbir Singh and others (2013)3 RCR (Civil) 170*** and after giving increase of 50% to income of the deceased has been taken to be Rs.11,250/- and, thereafter, the multiplier has been applied as per the age of the deceased. So, there is

nothing wrong in computation of the compensation by the learned Tribunal. Thus, the learned Tribunal has awarded the just and appropriate amount of compensation.

8. Consequently, the present appeal is without any merits and same is hereby dismissed.

03.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**