

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

**FAO No. 1147 of 2015 (O&M)
Date of Decision: August 01, 2017**

Jagmohan Singh and another

..Appellant(s)

Versus

Onkar Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Sukhpreet Kaur, Advocate
for the appellants.

Mr. N.K. Manchanda, Advocate
for respondents no.1 & 2.

Mr. S.P. Arora, Advocate
for respondent no.3.

ANITA CHAUDHRY, J.

This is the claimants' appeal seeking enhancement in the award dated 25.08.2014, passed by the Motor Accidents Claims Tribunal, SBS Nagar.

Kulwaran Singh was 16 years old and was a student of 10+1. He met with an accident on 17.10.2012. The Tribunal took the notional income to be Rs.15,000/- per annum. A deduction of 50% was made and the multiplier of 15 was applied considering the age of the parents and it assessed the compensation at Rs.1,12,500/-. It also

allowed Rs.3 lacs towards future prospects and Rs.1 lac for loss of love and affection and funeral expenses, raising the total to Rs.5,12,500/-.

The counsel for the petitioner contends that the income had been taken on a lower side and while relying upon ***Radhakrishna and another Vs. Gokul and others Civil Appeal No.9858 of 2013, D/d. 31.10.2013***, urges that the case before the Apex Court related to a engineering student who was 19 years old and the Tribunal had determined the income to be Rs.15,000/- per annum but made a deduction of 1/3rd and applied the multiplier of 15 besides awarding some amount on the miscellaneous heads and the Apex Court enhanced the compensation to Rs.7 lacs. The counsel submits that an addition towards future prospects should be made and the deduction of 1/3rd should be effected and separate amount should be allowed for loss of love and affection for the parents and funeral expenses.

The submission on the other hand is that when notional income is taken then there can be no addition towards future prospects and the Tribunal has already allowed Rs.3 lacs towards future prospects and that would take care of any increase even if 1/3rd deduction is made.

The deceased was 16 years old. No evidence was produced to show that he was very bright and was exceptionally good or proficient in any activity in his school. The accident had taken place

in 2012. Even if the notional income is taken at Rs.3,000/- per month, the annual income would be Rs.36,000/- and if deduction of 50% is made the contribution would be Rs.18,000/- per annum and with a multiplier of 16, the compensation would be Rs.2,88,000/-. If an addition of Rs.1 lac is made for loss of love and affection and Rs.25,000/- is granted as funeral expenses, the total compensation would be less than what was awarded by the Tribunal. There can be no addition towards future prospects when notional income is taken and the child was not earning. There is no scope for any increase. The Tribunal had already allowed a higher amount. Since there is no appeal by the insurance company, I am not inclined to modify the award.

The appeal is dismissed.

August 01, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No