

In the High Court of Punjab and Haryana at Chandigarh

FAO-4473 of 2016(O&M)
Date of Decision:26.7.2017

Labsina

---Appellant

vs.

Masood and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ashish Gupta, Advocate
for the appellant

Rekha Mittal, J.

The claimant is in appeal seeking enhancement of compensation in regard to death of Varisha in a motor vehicular accident dated 6.3.2011.

The Motor Accidents Claims Tribunal, Nuh (hereinafter to be referred to as “the Tribunal”) awarded compensation to the tune of Rs. 2,55,000/- by assessing loss of income at Rs. 15,000/- per annum as the deceased was 14-15 years of age and application for compensation was filed under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”).

The sole submission made by counsel for the appellant is that notional income of the deceased is liable to be assessed at Rs. 30,000/- per

annum by following ratio of judgment of Hon'ble the Supreme Court of India *Krishan Gopal and another vs. Lala and others 2013(4) RCR (Civil) 276*.

I have heard counsel for the appellant, perused the paper book particularly the award.

As per the structured formula provided for under Section 163-A of the Act, notional income of a non-earning person can be assessed at Rs. 15,000/- per annum. In *Krishan Gopal and another's case (supra)*, the petition for compensation appears to have been filed under Section 166 of the Act, therefore, the appellant cannot derive any advantage to her contention from the assessment made in the said case. This apart, in the referred authority, the deceased was 10 years old boy and his income was assessed at Rs. 30,000/- per annum as he was helping his father in agricultural operations. There is nothing on record suggestive of the fact that deceased in the instant case had been rendering any such services to her family.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

26.7.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No