

In the High Court of Punjab and Haryana at Chandigarh

**F.A.O No. 8482 of 2014
Date of Decision: 15.5.2017**

Sapna Devi and another

.....Appellants

Versus

Alnebi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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

Mr. Rajneesh Malhotra, Advocate
for respondent No. 3.

ANITA CHAUDHRY, J

This is the claimants' appeal seeking enhancement in the award dated 23.5.2014 passed by the Motor Accident Claims Tribunal, Jhajjar.

A seven years old boy died in an accident in 2012. The child was a student of IInd Class in R.E.D. School, Chhuchakwas. The Tribunal awarded a lump-sum amount of Rs. 2,50,000/- and added Rs. 1,00,000/- for loss of love and affection and Rs. 25,000/- for funeral expenses raising the total to Rs. 3,75,000/- which was to be paid by respondents No. 1 and 2. The insurance company was exonerated as the vehicle was not insured.

Counsel for the appellants refers to '**Krishan Gopal and another versus Lal and others 2014(1) SCC 244**' and urges that the Apex Court had taken the notional income to be Rs. 30,000/- and applied the multiplier of 15 and compensation was calculated at Rs. 4.50 lacs and Rs. 50,000/- was awarded for the conventional heads.

In the judgment referred to by the appellants, the child was 10

years old and was assisting the parents in agricultural occupation and in

those circumstances, the notional income was taken at Rs. 30,000/- and multiplier of 15 was applied and Rs. 50,000/- was awarded for loss of love and affection, funeral expenses and last rites. In this case the child was only seven years old and the judgment referred to by the appellants would not be applicable. The amount awarded was adequate and there is no reason to allow any further amount.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

May 15, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No