

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

LPA No.1252 of 2016 (O&M)

Date of Decision : 10th July, 2017

Joginder Singh Chauhan and another

..... Appellants

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Virender Kumar, Advocate
for the appellants.

Mr. G.S.Wasu, Addl. A.G., Haryana.

None for respondent Nos.2 to 4.

MAHESH GROVER, J. (Oral)

This appeal is directed against the order dated 15.03.2016,
passed by the learned Single Judge.

Notice of the appeal was issued yet no one appeared for
respondent Nos.2 to 4.

The appellants' child of 09 years was electrocuted when he was
trying to disentangle his kite from the electric wire with the help of an iron
rod.

It was pleaded by the appellants that the Corporation was
negligent in permitting the loose wire to hang which came within the reach
of a young boy, aged 9 years resulting in his death on account of
electrocution, consequently, entitling them to compensation.

Learned Single Judge accepted the plea and awarded a sum of

Rs.2,00,000/- in lump-sum without giving any reasons to arrive at the said figure except for the reliance placed on an earlier precedent which is now the cause of grievance to the appellant to contend that it was incumbent upon the learned Single Judge to have adopted certain verifiable parameters before arriving at a figure of compensation to be awarded.

Since there has been no representation on behalf of respondent, we have no option but to proceed to determine the matter. State, however, is represented but pleads that it would have nothing to do with the affairs of the Corporation which would bound to answer its own negligence. No appeal has been filed by the State.

After hearing the learned counsel for the appellant, we are of the opinion that the judgment of Single Judge needs to be modified. It is settled principle of law that in the matters of compensation, the principles laid down in the Motor Vehicles Act are safe guiding factors. The age of the child was 09 years. His death on account of electrocution is not disputed. There is no counter appeal by the respondent-Corporation, implying acceptance of the judgment of the learned Single Judge which would leave us to determine only the quantum of compensation.

Learned counsel for the appellant has placed reliance on the judgment of Hon'ble Supreme in **Kishan Gopal and another versus Lala and others 2013 (4) RCR (Civil) 276** where it was noticed that a boy of 10 years would have contributed his notional income of Rs.30,000/- per annum and a multiplier of 15 was adopted and Rs.50,000/- awarded on account of loss of love and affection to arrive at a figure of Rs.5,00,000/-. With regard to the aforesaid reasoning while applying similar principles, we

deem it appropriate to consider the income of the a deceased boy of 9 years as Rs.25,000/- per annum, and apply a multiplier of 11. The amount would come to Rs.2,75,000/-. Rs.50,000/- is awarded to the appellant on account of loss of love and affection and another sum of Rs.10,000/- for funeral expenses. The total amount of compensation, thus, comes to Rs.3,35,000/- which is granted alongwith interest @ 9% per annum from the date of passing of impugned judgment till the date of realization. The liability to pay this amount shall be borne by the Corporation only.

Appeal stands allowed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

10th July, 2017

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No