

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

FAO No. 4951 of 2017(O&M)

Date of decision: 9.8.2017

Oriental Insurance Co. Ltd.

....Appellant

VERSUS

Smt. Shakuntala and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Lalit Garg, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against the award dated 03.03.2017 passed by the Motor Accidents Claims Tribunal, Narnaul (in short 'the Tribunal') whereby compensation has been awarded in regard to death of Kapil, son of the claimants.

Counsel for the appellant has assailed quantum of compensation primarily on the ground that the Tribunal has assessed income of the deceased at Rs.6,000/- per month and in addition has allowed benefit of future prospects to the extent of 50% for computing loss of dependency. It is further argued that the deceased was only 10+2 and he was not working and earning, therefore, the Tribunal has erred in assessing his income at the rate of Rs.6,000/- per month and further allowing benefit of future prospects. It is further argued that Hon'ble the Supreme Court in **Kishan Gopal v. Lala, (2014) 1 SCC 244** has awarded an amount of Rs.5 lakh as compensation in similar circumstances.

I have heard counsel for the appellant, perused the paper-book particularly the award passed by the Tribunal.

The deceased was a young boy aged 18 years. There was an abrupt termination of his life after he had passed 10+2 examination. Had the deceased remained alive, he would not have remained idle particularly in the circumstances that there is nothing on record suggestive of the fact that the deceased was suffering from any disability. Under the circumstances, no error much less infirmity can be found in findings of the Tribunal assessing income of the deceased and further allowing benefit of future prospects.

So far as the plea of the appellant by relying upon judgment of Hon'ble the Supreme Court in **Kishan Gopal's case** (supra), it is difficult to draw similarity between the said case and the case at hand. In **Kishan Gopal's case** (supra), the deceased was a child aged 10 years and Hon'ble the Supreme Court assessed his income at Rs.30,000/- per annum. In this view of the matter, the appellant cannot derive any advantage to his contention from the judgment cited at bar.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, the application for condonation of delay is of academic relevance only. The statutory amount of Rs.25,000/- be remitted to the Tribunal for payment to the claimants.

AUGUST 9, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no