

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

FAO No.4451 of 2003 (O&M)
Date of decision: 19.01.2018

Surjit Kaur and others

.... Appellants

Versus

Balkar Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.H.S.Thiara, Advocate
for the appellants.

Mr. Ashwani Gaur, Advocate
for respondent No.1.

Mr.Pradeep Goyal, Advocate
for respondent No.4-Insurance Company.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 06.09.2002 passed by Motor Accidents Claims Tribunal, Hoshiarpur (hereinafter referred to as 'Tribunal').

The record of this case was burnt and has been reconstructed from the salvaged record and copies supplied by counsels, subject to all just exceptions.

On 11.12.1999, Balwant Singh, aged about 40 years, was going on his scooter bearing registration No.PB-07-C-8984. His minor son Joginder Singh was the pillion rider of the scooter. He was hit by rashly

and negligently driven truck bearing registration No.PBR-241 (for short, 'the offending vehicle'). As a result of the accident, both father and son suffered grievous injuries, Joginder Singh died on the spot and Balwant Singh lost his life on his way to the hospital.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the mother and minor brother and sister of the deceased.

The Tribunal awarded a lumpsum Rs.80,000/- and no interest was awarded.

The Tribunal erred in awarding a lumpsum amount in case of death of a minor. The Hon'ble Apex Court in **Krishan Gopal and another vs. Lala and others, 2014(1) SCC** has held that in case of a death of a child below 15 years of age, minimum income what is required to be considered is Rs.15,000 per annum as per IInd Schedule to the Act.

The Hon'ble Apex Court in **Reshma Kumari and others vs. Madan Mohan and another, 2013 (9) SCC, 65** has held that where the deceased was below 15 years of age, multiplier of 15 has to be applied.

In catena of judgments, the Hon'ble Apex Court has held that the multiplier method should be adopted for awarding compensation as it is the most consistent and scientific method.

In the present case, neither any multiplier method was applied nor any compensation was awarded for funeral expenses.

Keeping in view the fact and the deceased was below 15 years of age, his earning is taken as Rs.15,000/-per annum and multiplier of 15 is

applied. The annul earning of the deceased is taken as Rs.15,000/-as there was no evidence worth reliance produced before the Tribunal to establish that apart from being student of Class IX, the deceased was indulged in some occupation or was having some source of income. The compensation is recalculated as under :-

Annual income	Rs.15000/-
Applying multiplier of 15	Rs.2,25,000/-
Funeral expenses	Rs.15,000/-
Total	Rs.2,40,000/-

The award dated 06.09.2002 is modified to the extent that the amount awarded by the Tribunal of Rs.80,000/-is enhanced to Rs.2,40,000/-.

The claimants would be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

19.01.2018

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1.Whether the order is speaking/reasoned: Yes/No

2.Whether the order is reportable : Yes/No