

In the High Court of Punjab and Haryana at Chandigarh

FAO-391 of 2003

Date of Decision: 17.1.2018

Baljit Singh and another

---Appellants

versus

Devi lal and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. R.S.Mamli, Advocate
for the petitioner

Mr. S.S.Sahu, Advocate
for respondent No. 1

Mr. D.P.Gupta, Advocate,
for respondent No. 2

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Rito Devi, daughter of the claimants.

The Motor Accidents Claims Tribunal, Fatehabad (in short “the Tribunal”) has awarded compensation to the tune of Rs. 92,000/- payable with interest @ 9% per annum. The insurance company has been given recovery right.

Counsel for the appellants has submitted that the deceased was a child aged 12 years and student of class V. It is further submitted that compensation assessed by the Tribunal is on lower side and needs enhancement.

Counsel representing the respondents have supported the award with the submission that the occurrence in question took place in October 1999 and adequate compensation has been allowed by the Tribunal.

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

Hon'ble the Supreme Court of India in **Puttamma and others vs. K.L.Narayana Reddy and another** 2014(1)RCR (Civil) 443 has held that in a case of child less than 15 years of age, his income is to be taken at Rs. 15000/- per annum and multiplier of 15 is to be allowed. That being so, claimants are entitled to Rs. 2,25,000/-for loss of dependency. In addition, an amount of Rs.15,000/- towards expenses on funeral and last rites is allowed. In this manner, total compensation comes to Rs. 2,40,000/- and the additional amount is Rs. 1,48,000/- payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

17.1.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No