

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

**212**

**FAO No.10360 of 2014**

**Date of decision: 13.09.2018**

**Mohd. Farookh and Another**

**...Appellants**

**Vs.**

**Sarafat Ali & Others**

**...Respondents**

**CORAM:HON'BLE MR. JUSTICE B.S. WALIA**

Present:Mr. Barjinder Singh,Advocate  
for the appellants

Mr. Rajbir Singh, Advocate  
for respondent No. 3..

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**B.S. WALIA, J.(ORAL)**

1. Appeal has been filed by the parents of deceased Sania Imran aged 13 years student of Class 9<sup>th</sup> who died in a Motor Vehicular Accident on 20.01.2012. Prayer is for enhancement of compensation awarded by the Ld. Motor Accidents Claims Tribunal, Mewat (hereinafter referred to as 'the Tribunal'). Learned Tribunal by taking into account the age of the deceased as 13 and notional income of ₹15,000/- per annum, besides, by applying multiplier of 15, assessed dependency at ₹2,25,000/- and by awarding another sum of ₹20,000/- for last rites and transportation charges assessed total compensation of ₹2,45,000/-.

2. Reliance is placed by learned counsel for the appellants on the decision of Hon'ble the Supreme Court in ***Kishan Gopal & Another Vs. Lala and Another 2014 (1) SCC 244*** wherein Hon'ble the Supreme Court by taking into account that deceased was 10 years old and was assisting her parents in agricultural occupation took the notional income of the deceased at ₹30,000/- per annum and further by taking the age of the mother applied multiplier of 15 and awarded a sum of ₹4,50,000/- on account of dependency and additional sum of ₹ 50,000/- towards loss of love and affection, last rites etc. in terms of the decision of Hon'ble the Supreme Court in ***Kerala S.R.T.C. Vs. Susamma Thomas 1994 SCC (2) 176*** along with interest at the rate of 9% per annum. Learned counsel for the appellants contends that in view thereof, the appellants are also entitled to award of like amount and interest.

3. Per contra learned counsel for respondent No.3 states that although he is not averse to the applicability of notional income of ₹30,000/- per annum yet the sum of ₹50,000/- awarded towards conventional heads is liable to be scaled down in view of the decision of Hon'ble the Supreme Court in ***National Insurance Co. Ltd. Vs. Pranay Sethi & Ors. 2017 (4) RCR (Civil) 1009*** wherein no amount on account of love and affection has been granted. Learned counsel states that in the circumstances, instead of award of ₹50,000/- on

account of conventional heads a sum of ₹15,000/- on account of funeral expenses and ₹15,000/- on account of loss of estate in all, a sum of ₹4,80,000/- is payable. Award of aforementioned proposed amount is acceptable to learned counsel for the appellants.

4. Accordingly, there is no evidence of the deceased helping her parents, yet the accident is of the year 2014 while in Krishan Gopal's case (supra) the accident was of the year 1992 and the value of money has since gone down. Accordingly, by treating the notional income of the deceased as ₹30,000/- per annum and by applying multiplier of 15, a sum of ₹4,50,000/- is worked out as dependency plus ₹30,000/- i.e. ₹15,000/- each on account of loss of estate and funeral expenses, total ₹4,80,000/- along with interest @ 9% per annum is awarded with effect from the date of claim petition till date of payment less amount if any already paid.

5. Accordingly the appeal is allowed. Award dated 14.10.2014 passed by the Ld. Motor Accidents Claims Tribunal, Mewat is modified to the extent as noted above.

**September 13, 2018**  
**Poonam (II)**

**(B.S. WALIA)**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**