

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

**FAO No.2671 of 2013 (O&M)
Date of Decision: December 15, 2018.**

Neelam and another

.....APPELLANT(s).

VERSUS

Bhagwan Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Sangwan, Advocate
for the appellant (s).

Ms. Monika Singh, Advocate for
Mr. A.K. Gehlawat, Advocate
for respondents No.1 and 2.

Mr. Ravinder Arora, Advocate
for respondent No.3-insurance company.

SURINDER GUPTA, J.

Heard.

In accident, which took place on 28.08.2006 at about 5.00 p.m.,
with Maruti Car bearing registration No.DDB/2338, Sanjal alias Saijal (later
referred to as the deceased) minor daughter of appellants suffered injuries
and died.

In the claim petition filed under Section 166 of Motor Vehicles
Act, 1988, Motor Accident Claims Tribunal, Bhiwani (later referred to as
the tribunal) awarded consolidated amount of ₹50,000/- as compensation on
account of loss of love and affection etc. suffered by the claimants. The

claimants have filed this appeal seeking enhancement of compensation.

Learned counsel for the appellants has relied on the observations of Co-ordinate Bench of this Court in case of ***Smt. Sushma and another Vs. State of Haryana and others (FAO-1572-1999, decided on 13.02.2014)***, wherein compensation for death of young child aged 3 years was enhanced from ₹50,000/- to ₹5,00,000/-. While enhancing the compensation, Co-ordinate Bench has relied on the observations in case of ***Kishan Gopal and another Vs. Lala and others 2013(4) RCR (Civil) 276***. In that case, notional income of a child, who was 10 years of age, was taken as ₹30,000/- and multiplier of 15 was applied.

Learned counsel for respondent No.3-insurance company has argued that the deceased was a four years' old child, having no income, as such, this Court may assess her reasonable notional income while awarding the compensation.

Relying on the ratio of law in case of ***Kishan Gopal and another Vs. Lala and others(supra)***, notional income of the deceased is taken as ₹30,000/- and by applying the multiplier of 15, the amount of compensation comes to ₹4,50,000/-. The claimants are also awarded a sum of ₹15,000/- under the conventional head and in this way, total amount of compensation works out to ₹4,65,000/-.

As a sequel of my above discussion, this appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹50,000/- to ₹4,65,000/- for death of Sanjal @ Saijal. Liability to pay the amount of compensation shall be as per award. The enhanced amount of compensation

will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants in equal shares.

Respondent-insurance company will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal. In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be given to other surviving claimant.

December 15, 2018.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No