

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

FAO No.6935 of 2016

Date of decision: 16.05.2018

Laxman and anr.

....Appellants

Versus

Randhir and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Arvind Kumar Yadav, Advocate, for the appellants.

Mr.Puneet Jain, Advocate, for the
respondent/Insurance Company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'the Tribunal') vide award dated 09.02.2016 on account of death of Pankaj in a motor vehicular accident which took place on 16.11.2014.

Brief facts of the case are that on 16.11.2014 at about 5:30 p.m. Anikit, since deceased along with his friend Pankaj, since deceased was going to their home on bicycle. Ankit was pulling the cycle and Pankaj was sitting at back on the carrier and they were going on extreme left of the road. When they reached near the house of Banwari son of Lachhiya Ram, a vehicle Canter bearing registration No.HR-38 (TCT)-0083 came being driven by respondent No.1 in rash and negligent manner and at high speed and hit their bicycle. Due to this accident Ankit and Pankaj fell down on the road along with the cycle and Pankaj died at the spot and Ankit received serious, multiple and grievous injuries. They were taken to Government Hospital Rewari where doctors on duty declared Pankaj as brought dead. A case bearing FIR No.140 dated 16.11.2014 was registered at Police Station Rohrai against respondent No.1.

During the pendency of claim petition one Harpal who was eye witness of the accident has appeared as PW-2 and reiterated his version as mentioned in the FIR. In the present case claimants have been awarded a

lump sum amount of Rs.2,20,000/- in total compensation.

Feeling dissatisfied with the impugned award, the claimants/appellant have preferred the present appeal.

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved. The deceased died as a result of the accident. Reference can be made to a judgment of a Co-ordinate Bench of this court in the case of **Nachhattar Singh and another Vs. Jagga Singh and others, 2016(2)PLR 718**, wherein annual income of the deceased boy, who was 15 years old at the time of the accident, which took place in the year 1999, was assessed as Rs.35,000/- per annum.

Reference can also be made to a latest judgment of this Court in the case of **Beet Nath and another Vs. Gulab Singh and others (FAO No.159 of 2015)** decided on **July 10, 2017**, wherein the notional income of the child who died in an accident which took place in the year 2012 was taken as Rs.50,000/-. It was observed in that case that in the case of **Kishan Gopal and another vs. Lala Ram and others, 2013(4) RCR (Civil) 276**, wherein the national income of a 10 years old child was taken as Rs.30,000/-, the year of the accident was 1992. Since the value of rupee has come down drastically since the year 1992, the notional income in **Beet Nath's case (supra)** was taken as Rs.50,000/-.

The judgment in the case of **Beet Nath's case (supra)** is directly applicable to the facts and circumstances of the present case. In this case also notional income of the child is taken as Rs.50,000/-. After applying a multiplier of 18 in view of the ratio of the judgment in the case of **Sarla Verma and others Vs. Delhi Transport Corporation and another (2009) 6 SCC 121**, the notional annual income of the deceased comes to Rs.9,00,000/-. Further, an amount of Rs.15,000/- is awarded under conventional heads. Thus the compensation allowed to the appellants/claimants is enhanced from Rs.2,20,000/- to Rs.9,15,000/-. The enhanced amount of compensation i.e. Rs.6,95,000/- shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of "**Shri**

Nagar Mal and others vs. The Oriental Insurance Company Ltd. and others, Civil Appeal No.448 of 2018 (decided on 19.01.2018). Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

(RITU BAHRI)
JUDGE

16.05.2018
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>