

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 1292 of 2017(O&M)

Date of Decision: October 31 , 2018.

Ram Raj and another

..... APPELLANT (s)

Versus

Prem and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sansar Kundu, Advocate
for the appellants.

Mr. Sukhdarshan Singh, Advocate
for respondent No.3 – Insurance Company.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Panipat (for short, the 'Tribunal') vide impugned award dated 02.07.2016 on account of death of Rahul in a motor vehicle accident. The appellants are parents of the deceased.

Brief facts necessary for adjudication of the case are that, the claimants filed a petition under Section 166 of the Motor Vehicles Act (for short,

the 'Act') seeking compensation on account of the death of Rahul, who lost his life in a motor vehicle accident which took place on 04.03.2014. FIR No.311 dated 04.03.2014 under Sections 279/337/304A IPC, Police Station City Panipat was registered against respondent No.1. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of car bearing registration No.HR-06T-3104 by respondent No.1 – Prem. The said finding of the learned Tribunal has attained finality.

The learned Tribunal awarded a sum of ₹2,55,000/- as compensation to the appellants/claimants vide impugned award dated 02.07.2016. The deceased was student of Class-I aged 5 years. Income of the deceased was assessed as ₹1,5000/- per month. Deduction to the extent of 1/3rd on account of personal expenses was effected and multiplier of 15 was applied. ₹1,00,000/- on account of love and affection were awarded, besides, ₹5,000/- towards funeral expenses.

Learned counsel for the appellants while relying upon the judgment of the Hon'ble Supreme Court in **Krishan Gopal and another v. Lala and others, 2013(4) RCR (Civil) 276** submits that compensation to the tune of ₹5,00,000/- at least should have been awarded to the claimants while taking the notional income of the deceased to be ₹30,000/- per annum.

I have heard learned counsel for the parties and have gone through the file with their able assistance.

It is not disputed that deceased – Rahul was about 5 years old at the time of accident. He was with his father on the bicycle. They were going home from school. One Pawan son of Rajender was also following them on his

bicycle. Hon'ble Supreme Court in Krishan Gopal's case (supra) has assessed notional income of a 10 years old child to be ₹30,000/- per annum. Multiplier of 15 has rightly been applied by the learned tribunal.

Learned counsel for the respondent No.3 is unable to deny that the claimants are entitled to compensation of ₹5,00,000/- in terms of the said judgment of the Hon'ble Supreme Court.

Keeping in view the judgment of the Hon'ble Supreme Court in Krishan Gopal's case (supra), a sum of ₹5,00,000/- is awarded to the claimants on account of death of their 5 year old son.

Compensation already awarded to the claimants by the learned Tribunal shall stand deducted from the amount as detailed above. Claimants shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing of petition till realization.

With the above modification in the award dated 02.07.2016 passed by Motor Accident Claims Tribunal, Panipat, present appeal is disposed of.

October 31 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No