

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

FAO No. 993 of 2014 (O&M)
Date of Decision: September 04, 2018.

Shanti Kumar and another

..... Appellants

Versus

Sarvan Singh and others

..... Rrespondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rohit Verma, Advocate
for the appellants.

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

LISA GILL, J.

This appeal has been preferred for enhancement of compensation awarded to the parents of deceased – Tarun Kumar @ Tanu by learned Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as, the 'Tribunal') vide award dated 15.07.2013 on account of the death of their son which took place on 09.05.2012 in a motor vehicular accident.

As per averments in the claim petition filed under section 166 of the Motor Vehicles Act, Tarun Kumar @ Tanu, son of the appellants died in a motor vehicle accident which took place on 09.05.2012 due to rash and negligent driving of truck bearing registration No. PB-02-AJ-96, by its driver, namely, Sarvan Singh-respondent no.1. FIR No. 31 dated 09.05.2012 under Sections 304-A, 279 IPC was registered in this respect.

Learned Tribunal concluded that the accident in question was

caused due to rash and negligent driving of the offending vehicle by respondent no.1-Sarvan Singh. The said finding has attained finality.

The learned tribunal awarded a total sum of ₹3,04,500/- to the claimants. Notional income of the deceased was assessed as ₹15,000/- per annum. Deduction of 1/3th was effected and a multiplier of 15 was applied. ₹2000/- was awarded towards funeral expenses and ₹2500/- was awarded towards loss of estate. ₹75,000/- was awarded towards loss of expectancy of life, pain and suffering and ₹75,000/- was awarded on account of future prospects of the children.

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 lakhs 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 – Tarun Kumar @ Tanu was about 13 years old at the time of accident. He was admittedly a pillion rider on the bicycle with his father. They were on their way towards Mehta Road for some work. 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 lakhs in terms of the said judgement.

Keeping in view the judgment of the Hon'ble Supreme Court in Krishan Gopal's case (Supra), a sum of ₹5 lakhs is awarded to the claimants on account of death of their 10 year old son.

Compensation already awarded to the claimants by the 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 15.07.2013 passed by Motor Accident Claims Tribunal, Amritsar, present appeal is disposed of.

September 04, 2018.
s.khan

(**LISA GILL**)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether reportable : **Yes/No.**