

FAO No.433 of 2015

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

FAO No.433 of 2015
Date of decision: 10.09.2019

Smt. Shabra and another

.....Appellants

versus

Ajay Mangla and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ashish Gupta, Advocate,
for the appellants.

Mr. V.K. Garg, Advocate,
for respondent No.3.

RAMENDRA JAIN, J.

Through this appeal, appellant-claimants have sought enhancement of compensation, modifying impugned award dated 18.11.2014 of the Motor Accident Claims Tribunal, Gurgaon (in short 'the Tribunal').

Briefly, in the evening of 14.03.2014, while deceased Sahib aged around 08 years was going his home along with his father, a canter bearing registration No.HR-30F-0271, driven by respondent No.2 in a rash and negligent manner without blowing any horn, struck against him from behind. As a result thereof, Sahib sustained multiple grievous injuries on his person and succumbed to the same on the way to hospital.

With these broad submissions, appellant-claimants filed claim

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Tribunal, who after holding trial awarded compensation of ₹3,15,000/- to the appellant-claimants vide impugned award dated 18.11.2014.

Learned counsel for the appellants *inter alia* contends that keeping in view age of the deceased, the Tribunal has wrongly applied multiplier of 14.

Contrary to it, learned counsel for respondent No.3 – Insurance Company pleaded the legality and validity of the impugned award.

Having given thoughtful consideration to the rival submissions, this Court finds force in the contention raised by learned counsel for the appellants, in view of judgment of the Hon'ble Supreme Court in ***Puttamma v. K.L. Narayana Reddy***, 2014 ACJ 526 wherein multiplier of 15 was applied taking notional income of the deceased at ₹15,000/-. Hence, in the instant case also, the appellants are entitled to a compensation of ₹15,000/-x15=₹2,25,000/-. Besides above compensation, the appellants are further entitled to ₹1,05,000/- awarded by the Tribunal. Therefore, total entitlement of the appellants for compensation comes to ₹3,30,000/- less ₹3,15,000/- awarded by the learned Tribunal i.e. ₹15,000/- more over and above the compensation awarded by the Tribunal below.

Respondent No.3 – Insurance Company is directed to deposit ₹15,000/- more over and above the compensation already awarded, before the Tribunal within one month from today, along with interest @ 7.5% per annum from the date of filing claim petition till realization for onward disbursement to the appellant-claimants in proportion so arrived at by it, in accordance with law against proper receipt and identification.

In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with

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interest @ 15% per annum from the date of institution of claim petition till realization.

Disposed of.

(Ramendra Jain)
Judge

September 10, 2019
R.S.

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