

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

**FAO No.5075 of 2016 (O&M)
Date of Decision : 05.02.2019**

Nirmal Kaur and another

....Appellants

VERSUS

Gagandeep and others

...Respondents

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Ishaan Cooner, Advocate for Mr.J.S. Cooner, Advocate for the appellants.

Mr. K.P.Singh, Advocate for respondent No.1.

Mr. Arun Singla, Advocate for Mr. Gaurav Chadha, Advocate for respondent No.2.

Mr. Vinod Gupta, Advocate for respondent No.3-Insurance Company.

B.S. WALIA, JUDGE (ORAL)

1. Appeal has been filed by the parents of Sahilpreet Singh, who died in a motor vehicular accident on 21.6.2014. The learned Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as 'the Tribunal') by taking into account the age of the deceased as 12 years as also that he was a student took into account notional income of the deceased @ ₹15,000/- per annum and by applying multiplier of 15, awarded compensation of ₹2,25,000/- + ₹25,000/- on account of funeral expenses, total ₹2,50,000/-.

2. Learned counsel by placing reliance upon the decision of Hon'ble the Supreme Court in **Kishan Gopal versus Lala and others 2013 (4) RCR (Civil) 276** contended that the appellants were entitled to award of compensation of ₹5,00,000/- alongwith interest with effect from the date of claim petition till the date of payment.

3. Per contra, Sh. Vinod Gupta, learned counsel appearing on behalf of respondent No.3-Insurance Company contends that no parity can be drawn by the appellants with the decision in **Kishan Gopal's** case (supra) in view of the fact that in the instant case, there was no evidence with regard to the deceased assisting his parents as was the situation in **Kishan Gopal's** case (supra). Learned counsel for the Insurance Company, however, fairly contended that the appellants were entitled to enhancement of compensation and that respondent No.3 would be willing to make payment of ₹2,50,000/- more in addition to sum of ₹2,50,000/- awarded by the Tribunal but without interest.

4. Learned counsel for the appellants accepts the offer made on behalf of respondent No.3.

5. Accordingly, appeal is disposed of. Award is modified and as against compensation of ₹2,50,000/- awarded by the learned Tribunal, the appellants are held entitled to award of ₹5,00,000/- i.e. ₹2,50,000/- in addition to the amount awarded by the learned Tribunal, however, the aforementioned additional amount of ₹2,50,000/- would not carry any interest. The same would be paid within a period of two months from today. In case the payment of additional amount of ₹2,50,000/- is not made within

two months, the same would carry interest @ 7.5.% per annum with effect from the date of claim petition till date of payment.

6. Appeal is disposed of by modifying award dated 1.3.2016 passed by the MACT, Amritsar to the extent as noted above.

February 05, 2019
ps

(B.S. WALIA)
JUDGE

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