

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

**FAO No.1272 of 2018 (O&M)
Date of decision: 11.07.2019**

New India Assurance Company Ltd.

....Appellant

Versus

Daya Ram and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.C. Kapoor, Advocate,
for the appellant-Insurance Company.

Mr. Prashant Singh Chauhan, Advocate,
for respondent Nos.1, 2 and 4.

Mr. Himanshu Yadav, Advocate,
for respondent No.3.

RITU BAHRI J. (Oral)

New India Assurance Company Ltd.-appellant has filed this appeal against the award dated 15.11.2017 passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'the Tribunal') whereby compensation of Rs.15,42,000/- has been awarded in favour of the claimants-respondent Nos. 1 to 4 on account of death of Deepak in a motor vehicular accident which took place on 02.09.2016. Respondent Nos. 1 & 2 are parents and respondent Nos. 3 & 4 are grand-parents of deceased Deepak.

Deceased-Deepak was a student of B.Sc. 1st year and as per

postmortem report Ex.P5, he was below 18 years of age at the time of death/accident. Keeping in view that the deceased was a student of B.Sc. 1st year, Tribunal has taken his notional income as Rs.10,000/- per month. Ultimately, the claim petition was accepted and claimants-respondent Nos. 1 to 4 were held entitled to a total compensation of Rs.15,42,000/- along with interest at the rate of 9% per annum from the date of filing of the petition till its realization.

Appellant has not challenged the finding given by the Tribunal on issue No.1 that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver-respondent No.5-Ranjit. Insurance Company-appellant is challenging the impugned award on the ground of quantum of compensation. Learned counsel for the appellant states that the deceased as a student of B.Sc. Ist year and his notional income has been taken on the higher side.

Heard, counsel for the parties.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. Reference, at this stage, can be made to a judgment passed by this Court in **Manjinder Kaur & another vs. Jaspreet Singh Grewal & another**, 2015 (85) RCR (Civil) 873, where the deceased was final year student of Mechanical Engineering. Initially, the Tribunal had taken his income as Rs.4000/- per month. This Court had enhanced the income of deceased to Rs.10,000/- per month. In this income, 50% was added on account of future prospects. Ultimately, by accepting the appeal(s) preferred by the claimants, the amount of compensation was enhanced from Rs.4,21,000/- to Rs.17,45,000/-. Further, reference can be made to a judgment passed in

Ashvinbhai Jayantilal Modi vs. Ramkaran Ramchandra Sharma and another, 2014 (4) RCR (Civil) 543. This was a case where, a young boy aged about 19 years had died in a motor vehicular accident. He was a student of Medicine. In that case, the Hon'ble Supreme Court had enhanced the future income of deceased from Rs.18,000/- to Rs.25,000/-.

After going through the impugned award in the light of the above judgment, this Court is of the view that the compensation has been rightly awarded in favour of the claimants (respondent Nos. 1 to 4) and no ground is made out to interfere therein. The evidence has been appreciated in the right perspective.

Resultantly, finding no merits, the present appeal is dismissed.

(RITU BAHRI)
JUDGE

11.07.2019
ajp

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