IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

262 XOBJC-53 of 2019 (O&M)in/and

FAO-2911-2018 (O&M)

Date of decision: 13.03.2019

UNITED INDIA INSURANCE COMPANY LTD. ... Appellant

Versus

HARPREET KAUR AND OTHERS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ram Avtar, Advocate for the appellant.
Mr. Rishav Jain, Advocate
for the cross objector/respondent No.2.
****

REKHA MITTAL, J. (Oral)

This order will dispose of FAO No.2911 of 2018 and cross objections No.53 of 2019 as these have emerged out of the same award dated 21.03.2018 passed by the Motor Accidents Claims Tribunal, Sangrur whereby compensation has been assessed on account of death of Sahabpreet Singh @ Mankirat Singh, a child aged about 2 years.

FAO No.2911 of 2018 has been filed by the insurance company and counsel would inform that the appeal has been filed to assail only quantum of compensation. Cross objections have been filed by the claimant/respondent No.2 seeking enhancement of compensation.

The Tribunal has awarded compensation of Rs.5,65,000/-, detailed hereunder:-

1. Notional income per annum	Rs.30,000/-
2. Multiplier	17
3. Loss of dependency	Rs.5,10,000/-
4. Transport and funeral expenses	Rs.15,000/-
5. Loss of love and affection	Rs.40,000/-

Indisputably, the child who unfortunately died in the accident was 2 years old and he was in the lap of his grandmother who was a pillion rider on scooter PB-13-F-9765 driven by Hari Singh claimant No.2. Hon'ble the Supreme Court in **Puttamma and others vs. K.L.Narayana Reddy and another 2014(1)RCR (Civil) 443** has held that in case a child is less than 15 years of age, his income is to be taken at Rs.15,000/- per annum and multiplier of 15 is to be applied. In the case at hand, the child was only 2 years old, therefore, the claimants cannot derive any advantage to their contention from the judgment of Hon'ble the Supreme Court **Kishan Gopal and another vs. Lala and others, 2013 (4) RCR (Civil) 276** wherein the Court assessed notional income of Rs.30,000/- per annum in respect of a child aged about 10 years with the findings that he had been helping his parents in agriculture operations.

Taking into consideration the judgment in **Puttamma and others's case (supra)**, notional income of the child is assessed at Rs.15,000/- per annum and multiplier of 15 is applied. Accordingly, loss of dependency is calculated at Rs.2,25,000/- (15000 x 15). In addition an amount of Rs.15,000/- is awarded towards expenses on last rites. In this manner, total compensation is Rs.2,40,000/- and compensation assessed by the Tribunal is reduced to the extent of Rs.3,25,000/- (5,65,000 – 2,40,000). The insurance company shall be entitle to recover the excess amount, if already paid, by filing an appropriate application before the Tribunal.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms. As a natural corollary, cross objections filed by the claimants are dismissed. As the cross objections have been decided on merits, application for condonation of delay in filing the cross objections is of academic relevance.

13.03.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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