

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

234/2

FAO No.7597 of 2017

Date of Decision : 06.02.2019

NARINDER SINGH AND ANOTHER

...APPELLANTS

V/S

ANGREJ SINGH AND OTHERS

...RESPONDENTS

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

Present: Mr. Dinesh Mahajan, Advocate for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.3/*Insurance Company*.

B.S. WALIA, J. (ORAL)

[1] Appeal has been filed, seeking enhancement of compensation of Rs.1,00,000/- awarded on account of death of only son of the appellants aged 4 years.

[2] Learned counsel for the appellants has relied upon the decision of this Court in the case of 'Palo versus Rajesh Sahni and another', 2018(3) PLR 204, wherein a sum of Rs.2,25,000/- was awarded on account of death of 09 years old child by taking into account notional income of Rs.15,000/- per annum and applying multiplier of '15' besides awarding Rs.15,000/- on account of funeral expenses.

[3] Learned counsel for the appellants has also placed reliance upon the decision of this Court in 'Shanti Devi and another versus Rakesh Kumar and others', 2017(2) PLR 562, wherein in the case of death of 05 years old child, composite sum of Rs.2,25,000/- was awarded in addition to Rs.75,000/- as non

Court in '**UP State Road Transport Corporation** *versus* **Sukhdeep Kaur**', 2012 *ACJ 125*, in a case involving death of 03 years old boy, wherein lump sum compensation of Rs.2,25,000/- awarded by the learned Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhari was upheld by the High Court as the deceased was the only son of his parents.

[4] Learned counsel for respondent No.3/Insurance Company has not been able to controvert the claim of the appellants for award of compensation of Rs.2,25,000/- on account of death of the appellants' only son aged 4 years plus Rs.15,000/- on account of funeral expenses in the light of the decision referred to by learned counsel for the appellants. However, no amount is awarded on account of future prospects as the child was very young being only 4 years of age, besides there is nothing on the record to show that the child was performing well. Accordingly, in the light of the position as noted above, the appeal is allowed. Award dated 15.03.2017, passed by the learned Tribunal, Gurdaspur, is modified to the extent that as against compensation of Rs.1,00,000/, the appellants-claimants are held entitled to compensation of Rs.2,40,000/- i.e. by taking into account notional income of Rs.15,000/- and by applying multiplier of '15' plus by awarding Rs.15,000/- on account of funeral expenses along with interest @ 9% per annum with effect from date of claim petition, till date of realization, less amount if any, paid earlier.

[5] Accordingly, appeal is **allowed**, award dated 15.03.2017, passed by the learned *Motor Accidents Claims Tribunal, Gurdaspur*, is **modified** to the extent as noted above.

(B.S. WALIA)
JUDGE

February 06, 2019
rajneesh