

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

**FAO No. 5047 of 2018 (O&M)
DECIDED ON: JANUARY 07, 2019**

RENU AND ANOTHER

.....APPELLANTS

VERSUS

**DALBIR SINGH SINCE DECEASED THROUGH HIS LR PINDER
KAUR & ORS.**

.....RESPONDENTS

AND

FAO No. 5122 of 2018 (O&M)

KAVITA AND ANOTHER

.....APPELLANTS

VERSUS

**DALBIR SINGH SINCE DECEASED THROUGH HIS LR PINDER
KAUR & ORS.**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ritesh Pandey, Advocate
for the appellants.

AVNEESH JHINGAN, J (ORAL)

The aforesaid two appeals are being disposed of by a common order as they are arising out of the same accident.

The awards dated 07.11.2017 passed by the Motor Accident Claims Tribunal, Gurdaspur (for short 'the Tribunal') in MACT case Nos. 03 and 04 of 2016 has been assailed by filing two appeals, one by the parents of Emanuel Vinay Khosla (deceased) and another by the parents of Abhay Mattu (deceased).

The grievance in both the appeals is with regard to quantum of compensation awarded by the Tribunal.

The brief facts necessary for the adjudication of the appeals are that on 29.12.2015, Emanuel Vinay Khosla and Abhay Mattu were going to Qadian from Dhariwal, Tehsil and District Gurdaspur on motorcycle bearing registration No. PB-06-AC-8932. The motorcycle was being driven by Ajay Daniel. On their way the motorcycle was hit by a rashly and negligently driven truck bearing registration No. PB-05-R-9068 (hereinafter referred to as 'offending vehicle'). As a result of the impact, Emanuel Vinay Khosla and Abhay Mattu sustained grievous injuries and lost their life.

Two separate claim petitions under Section 166 of the Motor Vehicles, Act 1988 (for short 'the Act') were filed before the Tribunal by the unfortunate parents who lost their young children in the motor vehicular

accident.

The Tribunal after considering the facts that Emanuel Vinay Khosla (deceased) was 11 years old at the time of accident and Abhay Mattu (deceased) was 14 years old at the time of accident and following the decision of the Supreme Court in ***Kishan Gopal and another vs. Lala and others; (2014) 1 SCC 244***, assessed their notional income as ₹30,000/- per annum each and applied the multiplier of 15. The Tribunal awarded a compensation to the tune of ₹5,00,000/- each alongwith interest @9% per annum. The amount awarded included ₹50,000/- under the conventional heads.

Heard learned counsel for the appellant(s) and perused the relevant documents produced by him.

Learned counsel for the appellant(s) states that the amount awarded by the Tribunal is on the lower side and needs to be enhanced.

The contention raised by learned counsel for the appellant(s) lacks merit.

The Tribunal while passing the award has relied upon the decision of Supreme Court in ***Kishan Gopal's case (supra)*** and the learned counsel for the appellant(s) has not been able to distinguish the said decision. In such circumstances, no interference is called for in the award dated 07.11.2017 passed by the Tribunal.

Both the appeal are dismissed.

(AVNEESH JHINGAN)
JUDGE

JANUARY 07,2019
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No