

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

FAO-2790-2020 (O&M)

Date of decision: 14.09.2022

Oriental Insurance Company Ltd.

....Appellant

Versus

Durgesh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Punit Jain, Advocate for the appellant

Mr. Lekhraj Nandal, Advocate for respondent no.1 and 2

ANIL KSHETARPAL, J (Oral)

The Insurance Company assails the correctness of the award passed by the Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the Tribunal'), while assailing the correctness of the amount of the compensation at Rs.8,50,000/-, on account of death of one year old baby Bhavika, in an automobile accident. She was the only child of her parents. The Tribunal has assumed her income at Rs.50,000/- per annum and applied the multiplier of 15. Besides the aforesaid, the claimants (her parents) have also been held entitled to Rs.1,00,000/- for the loss of love and affection.

Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook. While assessing the compensation for loss of human life, certain amount of guess work is required to be applied. The accident in question took place in June, 2018. The deceased was the only child of her parents. The Tribunal has not awarded any amount for the loss of estate and funeral expenses.

Even the parental consortium at the rate of Rs.40,000/- each has not been

awarded, though conclusively has been laid down in **Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others 2018 (4) RCR(Civil) 333, New India Assurance Co. Ltd. vs. Somwati and others Civil Appeal No.3093 of 2020, decided on 07.09.2020 and United India Insurance Company Ltd. vs. Satinder Kaur @ Satwinder Kaur and others, (2020) SCC Online 410.**

Hence, even if there is some scope for reduction on account of income, the same shall stand offset by the consortium and expenses for the funeral and loss of estate. Consequently, finding no merit, the appeal is hereby dismissed.

The Registrar is directed to remit the statutory amount to the Tribunal for onward disbursement.

All the pending miscellaneous applications, if any, are also disposed of.

14.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE