

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**113****FAO No.491 of 2016****Date of Decision : 21.02.2024**

Shindo

....Appellant

VERSUS

Vikas Kumar and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ishan Singh Cooner, Advocate for the appellant.

Mr. Shashi Kumar Yadav, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as the 'Tribunal') vide award dated 11.02.2015 on account of death of Bhim Singh, a 16 years old child (hereinafter referred to as 'the deceased') in a motor vehicle accident which took place in District Panchkula.

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

3. Learned counsel for the claimant-appellant would contend that the accident in the present case took place on 21.05.2013 and the deceased at

that point of time was 16 years of age. Learned counsel for the claimant-appellant would further contend that by taking the notional income of the deceased as Rs.30,000/- per annum and by applying a multiplier of 18, an amount of Rs.6,15,000/- has been awarded as compensation. Learned counsel for the claimant-appellant has relied upon the judgment of the Hon'ble Supreme Court in case of **Krishan Gopal & Anr. vs. Lala & Ors. [2013(4) RCR (Civil) 276]** to contend that in the said case the accident took place in the year 1992 and the notional income of a 10 years' old child was assessed as Rs.30,000/- per annum. The learned counsel has also relied upon the judgments of the Hon'ble Supreme Court in the cases of **National Insurance Co. Ltd. vs. Pranay Sethi and Ors. [2017 (16) SCC 680]**; **Reshma Kumari & Ors. vs. Madan Mohan & Anr. [2013 (9) SCC 65]**; and **Magma General Insurance Co. Ltd vs. Nanu Ram alias Chuhru Ram & Ors. [2018 (4) RCR (Civil) 333]**.

4. *Per contra* learned counsel for respondent No.3-Insurance Company has contended that a connected appeal being FAO-3011-2016 arising out of the same accident has been dismissed by this Court vide order dated 06.11.2019 and hence the present appeal also deserves to be dismissed.

5. I have heard learned counsel for the parties.

6. The reliance by learned counsel for respondent No.3-Insurance Company on order dated 06.11.2019 passed by this Court in FAO-3011-2016 is totally misplaced inasmuch as the said appeal was dismissed as withdrawn and no order was passed on merits.

7. The Hon’ble Supreme Court in the case of **Krishan Gopal** (supra) had assessed the notional income of a 10 years’ old child, who died in a motor vehicle accident in 1992, as Rs.30,000/- per annum and in the present case the accident took place in the year 2013 and in view thereof this Court deems it appropriate to assess the notional income of the deceased as Rs.50,000/- per annum and apply a multiplier of 15. However, no future prospects are to be added in the present case as per the judgment in the case of **Kishan Gopal** (supra). Further, as per the judgments of the Hon’ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), the claimant-appellant would be entitled to Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses and the claimant-appellant would also be entitled to Rs.48,000/- (Rs.40,000+20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Annual income	Rs.50,000/-
2	Multiplier of 15	[Rs.50,000 x 15] = Rs.7,50,000/-
3	Loss of estate	Rs.18,000/-
4	Funeral expenses	Rs.18,000/-
5	Loss of Consortium : (i) Filial	Rs.48,000/-
	Total Compensation	Rs.8,34,000/-

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the claim petition till the realization of the entire amount.

10. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

21.02.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO