



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-5628-2018 (O&M)
Date of Decision : 23.01.2025

Kusum Lata & Anr ... Appellant(s)
Versus
Rajender Kumar Gaur & Anr ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jitender Nara, Advocate for the appellants.

Mr. Prabhat Sharma, Advocate for
Mr. Gopal Sharma, Advocate for respondent No.1.

Mr. Nigam K. Bhardwaj, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as the ‘Tribunal’) vide award dated 11.04.2018 on account of death of Manish, a 11 years’ old child (hereinafter referred to as ‘the deceased’) in a motor vehicle accident.
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. The Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Notional Annual income	₹30,000/-
2	Multiplier of 15 keeping in view the age of parents	[₹30,000/- x 15] = ₹4,50,000/-

3	Conventional heads, love and affection, funeral expenses	Rs.50,000/-
4	Medical expenses	₹1,02,000/-
	Total Compensation	Rs.6,02,000/-
	Interest	7.5% per annum

3. Learned counsel for the claimant-appellants would contend that the accident in the present case took place on 05.06.2017 and the deceased at that point of time was 11 years of age. The learned counsel for the claimant-appellants would further contend that the Tribunal has taken notional income of the deceased as Rs.30,000/- per annum and applied a multiplier of ‘15’ keeping in view the age of the parents of the deceased. The learned counsel for the claimant-appellants 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 for the claimant-appellants 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.2-Insurance Company has vehemently argued that sufficient amount of compensation has already been awarded in the present case and that there is no scope of any enhancement.

5. I have heard learned counsel for the parties.

6. 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. In the present case, the accident took place in the year 2017 and in view thereof, this Court deems it appropriate to assess the notional income of the deceased as Rs.60,000/- per annum and apply a multiplier of 15. However, no addition towards loss of future prospects is to be made in the present case as per the judgment in the case of **Krishan 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-appellants 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-appellants would also be entitled to Rs.48,000/- (Rs.40,000+20% increase) each towards loss of consortium. The amount of ₹1,02,000/- awarded towards medical treatment is maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Annual income	₹60,000/-
2	Multiplier of 15	[₹60,000 x 15] = ₹9,00,000/-
3	Loss of estate	₹18,000/-
4	Funeral expenses	₹18,000/-
5	Loss of Consortium : (i) Filial	[₹48,000 x 2] = ₹96,000/-
6	Medical treatment	₹1,02,000/-
	Total Compensation	₹11,34,000/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

9. 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.

23.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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