

(2013) 07 P&H CK 0446

High Court Of Punjab And Haryana At Chandigarh

Case No: FAO No. 476 of 2011

Lajwanti Devi and Another

APPELLANT

Vs

Rishi Pal and Others

RESPONDENT

Date of Decision: July 9, 2013**Hon'ble Judges:** Vijender Singh Malik, J**Bench:** Single Bench**Advocate:** Anurag Chopra, for the Appellant; R.S. Sharma, Advocate for the Oriental Insurance Co. Ltd., for the Respondent**Final Decision:** Allowed

Judgement

Vijender Singh Malik, J.

This is a claimants' appeal for enhancement of compensation awarded to them by learned Motor Accidents Claims Tribunal, Panchkula (for short "the Tribunal"), vide award dated 11.06.2010 in a sum of Rs. 2,23,000/- on the death of Himanshu, a son of the appellants in a road side accident that took place on 18.07.2009. Since the appeal has been filed for enhancement of compensation, and no other point is there for determination, the following facts would be sufficient to be noticed here.

2. Himanshu had been a student of 7th standard. He was 11 years of age. He was a brilliant student. He was the only son of the claimants and they had high hopes on him.

3. The aforesaid averments of the case are denied by the respondents in their respective written statements.

4. After the due trial, learned Tribunal assessed a sum of Rs. 2,23,000/- as compensation payable to the claimants on the death of Himanshu.

5. Learned counsel for the appellants has contended that the Tribunal has assessed the contribution of the deceased to his parents at Rs. 18,000/- per annum. According to him, the multiplier of 11 has been applied in this case. According to him, the

multiplier of 11 would not be attracted to this case because the multiplier which is to be selected as per the age of the claimants, would be 15 because the claimants are in the age group of 35 to 40.

6. Learned counsel for respondent no. 3 could not take exception to the submission made by learned counsel for the appellants that the multiplier applicable in this case is of 15.

7. In these circumstances, the annual dependency of the claimants-appellants having been taken at Rs. 18,000/-, the multiplier of 15 would bring out a sum of Rs. 2,70,000/- as the amount lost by the appellants in the death of Himanshu. The Tribunal has added a sum of Rs. 25,000/- as conventional compensation. Nothing has been argued against that amount by anyone. Hence, the appellants are found to be entitled to Rs. 2,95,000/- as compensation for the death of their son Himanshu in the aforesaid accident. Consequently, the appeal is allowed and the compensation assessed by the Tribunal is enhanced from Rs. 2,23,000/- to Rs. 2,95,000/-, which shall be payable with interest and in the ratio as mentioned by learned Tribunal in its award.