

(2014) 03 P&H CK 0237

High Court Of Punjab And Haryana At Chandigarh

Case No: First Appeal from Order No. 4748 of 2011 (O and M)

Shashi Bala

APPELLANT

Vs

Sudarshan Kumar

RESPONDENT

Date of Decision: March 21, 2014

Citation: (2015) ACJ 1728 : (2014) 175 PLR 319

Hon'ble Judges: Jitendra Chauhan, J

Bench: Single Bench

Advocate: B.S. Saroha, Advocate for the Appellant; Vikas Chatrath, Advocate for the Respondent

Final Decision: Allowed

Judgement

Jitendra Chauhan, J.

The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Rupnagar (for short "the Tribunal"), vide award dated 11.02.2011, on account of death of their daughter, Sharuti, in a motor vehicular accident. Learned counsel for the appellant contends that the deceased, aged 17 years, was a student at the time of the accident. It is contended that the compensation of Rs. 2,45,000/-, awarded by the learned Tribunal is highly inadequate.

2. On the other hand, learned counsel for the respondent submits that the compensation awarded by the learned Tribunal is just and adequate. Therefore, the present appeal deserves to be dismissed.

3. I have heard the learned counsel for the parties and perused the record carefully.

4. Deceased Sharuti, was 17 years of age at the time of her death in the accident. The learned Tribunal, has taken the notional income of the deceased at Rs. 2,500/- per month. After applying a cut of 1/2 on account of her personal expenses and multiplier of 16, the compensation has been assessed as Rs. 2,40,000/-, towards loss of dependency. Another amount of Rs. 5,000/-, has been awarded for funeral

expenses.

5. In Kishan Gopal and Another Vs. Lala and Others, the deceased was a young boy of 10 years. Hon'ble the Supreme Court, by taking the notional income of the child at Rs. 30,000/- per annum and applying the multiplier of 15, according to the age of the parents of the deceased, awarded a sum of Rs. 4,50,000/-, on account of dependency and another amount of Rs. 50,000/- has been awarded under the conventional heads.

6. This Court feels that the present case is squarely covered by the law laid down in Krishan Gopal's case (supra). Accordingly, the compensation awarded by the learned Tribunal is enhanced from Rs. 2,45,000/- to Rs. 5,00,000/-.

7. Resultantly, the claimant-appellant is held entitled to the enhanced compensation amount of Rs. 2,55,000/-, which shall be paid to her, in the manner indicated in the impugned award, within 45 days from the date of the receipt of the certified copy of the judgment, failing which, the appellant shall also be entitled to get interest @ 7.5% per annum from the date of the filing of the appeal till its realization. In view of the above, the present appeal is partly allowed and the impugned Award is modified to the above extent.