



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

**FAO No.4793 of 2016
Date of decision : 30.04.2025**

Shindo Rani and anotherAppellants
Versus

Suresh Kumar and othersRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pawan Attri, Advocate
for the appellants.

Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate
for respondent No.3

PANKAJ JAIN, J. (ORAL)

Claimants have assailed the quantum of compensation awarded by the Tribunal and seek enhancement thereof.

2. Deceased Bunty died at young age of 16 years. Tribunal assessed his notional income @ Rs.30,000/- per annum relying upon ratio of law laid down by this Court in the case of **Krishan Gopal and another vs. Lala and others, 2013(10) ACT 2594.**

3. Counsel for the appellants has relied upon ratio of law laid down by this Court in the case of **Sushil Kumar and others vs. Sukhjit Singh and others, 2024(3) PLR 265** to submit that the notional income of minor Bunty needs to be assessed at Rs.50,000/- per annum.



4. Having heard counsel for the parties, this Court finds that the compensation awarded by the Tribunal needs to be revisited.

5. This Court in *Sushil Kumar's* case (supra) observed as under:

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 2016 and in view thereof this Court deems it appropriate to assess the notional income of the deceased as Rs.50,000/- per annum ...”

6. Reiterating the aforesaid view and following the dictum of law laid down by Supreme Court in *Krishan Gopal's* case (supra), notional income of the deceased Bunty is taken to be Rs.50,000/- per annum. Keeping in view his age at time of death i.e. 16 years, multiplier of 18 needs to be applied in terms of ratio of law laid down by Supreme Court in the case of **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009)6 SCC 121**. Each of the claimants is entitled for loss of consortium @ Rs.48,000/-. The amount granted under the head of loss of consortium substitutes an amount of Rs.1,50,000/- granted for loss of love and affection, by the Tribunal. Amount of Rs.25,000/- granted as funeral expenses, is maintained. Another amount of Rs.15,000/- is granted for loss of estate. The claimants shall be entitled for interest @ 7.5% per annum on the enhanced amount, from the date of filing of the claim petition till the actual date of realization.



7. Needless to say, amount already paid to the claimants/appellants shall be set off.

8. With the aforesaid modification in the impugned award, the instant appeal is disposed off.

April 30, 2025

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No