

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

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FAO No.7519 of 2014
Date of decision :09.11.2017

Paramjeet Kaur @ Paramjit Kaur and others

...Appellants

Versus

Sukhwinder Singh @ Shinda and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satpal Singh, Advocate
for the appellants.

Mr. Navjot Singh, Advocate for
Mr. Rakesh Kumar, Advocate
for respondent Nos.1 and 2.

Mr. Vinod Chaudhary, Advocate
for respondent No.3.

ANIL KSHETARPAL, J.(Oral)

Claimants are in appeal against the award passed by the Motor
Accident Claims Tribunal, Kapurthala for enhancement of compensation.

Learned counsel for the appellants has submitted that the
multiplier of 13 applied by the Tribunal is wrong whereas it should have
been 14 as per the judgment passed by the Hon'ble Supreme Court in the
case of "**Smt. Sarla Verma and others vs. Delhi Transport Corporation &
Another**" **AIR (2009) SC 3104.**

Learned counsel for the appellants has further submitted that as
per the judgment passed by the Constitution Bench of the Hon'ble Supreme
Court in "**National Insurance Company Limited v. Pranay Sethi and**

Ors.”, JT 2017 (10) SC 450, the Court has committed an error in not awarding any amount of future prospects. He has submitted that as per the judgment, claimants are entitled to 25% increase on account of future prospects.

Learned counsel for the appellants has further submitted that the amount on account of conventional heads i.e. loss of consortium, funeral expenses and lost of estate have not been properly awarded. As per the judgment of Constitution Bench referred to above, a total sum of Rs.70,000/- maximum is to be awarded under this conventional heads.

On the other hand, learned counsel for the respondents has vehemently argued that deceased-Tarlochan Singh was an Ex-Serviceman retired from an Indian Army. He was doing the business of property dealing. He, therefore, submits that deceased was retiree and therefore, no future prospects can be granted.

I have considered the submissions.

It may be noticed that the deceased Tarlochan Singh died at the age of 42. These days, 42 years is not the age when one can say that someone is retired from life. May be he had retired from the Army but 42 years is not the age one can say that the individual has no future prospects.

Deceased has left behind a widow and two minor children.

Taking into consideration the aforesaid fact, the argument of learned counsel for the National Insurance Company cannot be accepted.

The compensation arrived at under different heads is explained in the table below:-

Sr. No.	Heads	Amount earlier awarded by the Tribunal	Now awarded
1	Income taken	36,000/- P.A.	36,000/- P.A.
2	Multiplier	36,000/- x 13 = 4,68,000/-	36,000/- x 14 = 5,04,000/-
3	Loss of Consortium	10,000/-	40,000/-
4	Funeral Expenses	2000/-	15,000/-
5	Loss of love and affection	5,000/-	NIL
6	Loss of Estate	NIL	15,000/-
	Total	4,85,000/-	5,74,000/-

Hence, there is increase of Rs.89,000/- in the amount of compensation. Thus, the appeal filed by the appellants is allowed. The enhanced amount of Rs.89,000/- shall also attract interest @ 6% p.a. from the date of filing of the claim petition till realization.

09.11.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No