IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5424 of 2017(O&M)

Date of decision: 18.8.2017

New India Assurance Co. Ltd. ….Appellant

VERSUS

Mohan Lal and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Paul S. Saini, Advocate for the appellant.

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REKHA MITTAL, J.(Oral)

The present appeal directs challenge against award dated 31.03.2017 passed by the Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal') whereby compensation has been awarded in regard to death of Abhinav son of Mohan Lal in a motor vehicular accident that took place on 02.07.2014.

Counsel for the appellant has made submissions to challenge quantum of compensation and the rate at which interest was held to be payable on the amount assessed by the Tribunal. It has been argued that the Tribunal has assessed income of the deceased at Rs.6,212/- per month but has allowed additional income for future prospects to the extent of 50%. It is argued that as the matter with regard to grant of future prospects is pending consideration before a Larger Bench of Hon'ble the Supreme Court in view of reference made in **National Insurance Company Ltd. vs. Pushpa, SLP (C) No.16735 of 2014, decided on 02.07.2014**, claimants are not entitled to get benefit thereof. Another submission made by counsel is that the Tribunal has adopted a multiplier of 18 in the light of age of the deceased in place of appropriate multiplier as per age of the parents of deceased. With regard to rate of interest, it is argued that the Tribunal has allowed interest at the rate of 9% per annum which is on higher side.

I have heard counsel for the appellant, perused the paper-book particularly the award.

The deceased was a young boy aged 20 years. The claimants examined Hitesh Kumar, Senior HR Executive of Intelligent Global Services Pvt. Ltd. PW-3 to prove that the deceased was working with the said concern and was paid total salary of Rs.6,212/- per month. There is nothing on record suggestive of the fact that the deceased was suffering from any disability rendering him unable to work to the optimum of his capacity and earn livelihood for himself and his family. The deceased would not have stagnated at income of Rs.6,212/- had he remained alive. Even the State Governments revise the minimum wages almost after every quarter or six months. Under the circumstances, pendency of reference before Hon'ble the Supreme Court cannot stand in the way of claimant seeking benefit of future prospects particularly till the judgment in **Rajesh and others Vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170** is varied or set aside. Under the circumstances, no fault can be found with the findings of the Tribunal allowing benefit of future prospects.

This brings the Court to the question of multiplier adopted by the Tribunal. Hon'ble the Supreme Court in **Smt. Sarla Verma and**

others versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77 has laid down certain criteria with a view to bring uniformity in the process of assessing compensation in motor vehicle cases. A multiplier of 18 is admissible for the age of 20 years. In this context, reference can be made to another judgment of Hon'ble the Supreme Court **Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447**. That being so, findings of the Tribunal allowing a multiplier of 18 on the basis of age of the deceased cannot be faulted with.

The Tribunal has awarded interest at the rate of 9% per annum. The rate at which interest is allowed cannot be said to be exorbitant warranting intervention by this Court. In this context, reference can be made to latest judgment of Hon'ble the Apex Court Sandhya Rani Debbarma and others vs. National Insurance Co. Ltd. and another, 2016 (4) RCR (Civil) 465 wherein it has been held as under:-

> "This amount is payable by the respondents to the appellants, not at rate of 6% interest per annum as the learned single judge has held, but at the rate of 9% per annum, according to the principle laid down by this Court in the case of **Municipal Corporation of Delhi, Delhi v. Uphaar Tragedy Victims Association & Ors, 2012 (3) RCR (Civil) 203**."

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

AUGUST 18, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no