

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

FAO-924-2002 (O&M)

Date of Decision : 19.09.2018

Mohindra Rani and others

..... Appellants

Versus

Amrik Singh and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Ms. Ramneeq Kaur, Advocate
for the appellants.

None for respondent No.1.

Mr. R.K. Bashamboo, Advocate
for the respondent No.3.

AJAY TEWARI, J. (ORAL)

This appeal has been filed for enhancement of compensation and for modifying the award dated 30.09.2000 passed by the Tribunal awarding compensation of Rs.1,30,000/- alongwith interest @ 12% p.a. on account of death of Satnam Singh in a motor accident.

Service upon respondent No.2 is exempted. Since very limited issue has been raised detailed reference to the facts is not required.

Counsel for the appellants has argued that as per the Constitution Bench judgment of the Supreme Court in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*** future prospects of 40% has to be granted.

Counsel for the respondent No.3 has very fairly accepted this argument.

Consequently, I grant future prospects of 40%.

Counsel for the appellants has further argued that only an amount of Rs.15,000/- has been awarded under the convention heads and as per the judgment of the Supreme Court in Pranay Sethi case (supra), an amount of Rs.55,000/- more has to be awarded under the conventional heads.

Counsel for the respondent No.3 has very fairly accepted this argument.

Consequently, I award an amount of Rs.55,000/- more under the conventional heads.

Counsel for the appellants has further argued that that as per the judgment of the Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*, the multiplier of 16 has to be applied.

Counsel for the respondent No.3 is not in a position to deny this fact.

Consequently, I hold that the multiplier of 16 has to be applied.

Counsel for the respondent No.3 has pointed out that interest @ 12% is too excessive.

In my opinion, the interest @ 12% p.a. may be suitable at the relevant time but in present time it is too excessive. Consequently, I hold that the enhanced amount shall be given alongwith interest @ 7.5% p.a. from the date of filing of claim petition till the date of payment. The finding

amount 10% each would be the share of appellants No.2, 3, 4, 5, 6, 7 and 9 and the remaining 30% would go to the share of appellant No.1. The share of any minor would be kept in a fixed deposit in any nationalized bank till the age of majority.

Appeal stands disposed of and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

September 19, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No