

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

474

**CM No.2849-CII of 2001 in/and
FAO No.656 of 2002 (O&M)
Date of Decision : 28.08.2018**

Smt. Bhanmati & ors.

..... Appellants

Versus

Jaipal and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rakesh Lathwal, Advocate
for the appellants.

Mr. Manoj Chahal, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

CM No.2849-CII of 2001

For the reasons recorded, the application is allowed. Delay
of 38 days in filing the appeal is condoned.

FAO No.656 of 2002

This is an appeal for enhancement of compensation and for
modifying the award dated 13.08.2001 passed by the Motor Accident
Claims Tribunal, Sonapat granting compensation of Rs.2,20,400/- and
interest @ 9% per annum in favour of the appellants and against the
respondents.

The brief facts of the case are that on 07.11.1998 at about 09.15 p.m. Rajbir-deceased was going to Kailash Colony with Ram Kumar and Satpal and when he reached near railway fly-over, respondent No.1-Jaipal was driving the offending vehicle rashly and negligently from behind dashed against Rajbir with the result he succumbed to his injuries on the spot.

Counsel for the appellants has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* 40% had to be awarded on account of future prospects. Counsel for the respondents is not in a position to deny this. I find this to be indeed so. Further it is held that 40% has to be awarded towards future prospects.

Counsel for the appellants further states that in view of the judgment of the Supreme Court in the matter of *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298* the multiplier of 15 had to be applied instead of 12. Counsel for the respondents is not in a position to deny this also. I find this to be indeed so. It is held that multiplier of 15 has to be applied instead of 12.

Further counsel for the appellants has argued that the Tribunal has awarded nothing under conventional heads and as per the judgment passed in *Pranay Sethi (supra)* the compensation of Rs.15,000/- has to be awarded towards loss of estate, Rs.40,000/- towards loss of consortium and Rs.15,000/- towards funeral expenses. I find this to be indeed so. Consequently, I grant Rs.15,000/- towards loss of estate, Rs.40,000/- towards loss of consortium and Rs.15,000/- towards funeral expenses.

Counsel for the respondents is not in a position to deny this also. He however points out that in the original award the interest has been imposed @9% and the present trend is to impose lesser interest. I find it to be correct and consequently, direct that the enhanced amount would carry interest @ 7.5% from the date of filing of claim petition till the date of payment.

Since the appellants No.2 and 3 have now become major the entire enhanced amount will be disbursed to the appellant No.1-Bhanmati.

Appeal is allowed in the above terms and the award is modified accordingly.

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

28.08.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No