

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

Sr. No.448

**1.**

**FAO No.2124 of 2002 (O&M)**

**DECIDED ON: October 25, 2018**

**NANAK CHAND AND ANOTHER**

**..APPELLANTS**

**VERSUS**

**DES RAJ AND OTHERS**

**...RESPONDENTS**

**2.**

**FAO No.2125 of 2002 (O&M)**

**MUKESH KUMAR**

**..APPELLANT**

**VERSUS**

**DES RAJ AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. Saurabh Bhardwaj, Advocate for  
Mr. P.S. Rana, Advocate,  
for the appellant(s).

Ms. Parveen Maan, Advocate for  
Mr. R.S. Budhwar, Advocate,  
for respondents No.1 & 2.

Mr. D.R. Bansal, Advocate,  
for respondent No.3.

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**AJAY TEWARI, J. (ORAL)**

This order shall dispose of above mentioned two appeals.

FAO No.2124 of 2002 has been filed for enhancement of compensation and for modifying the award dated 18.01.2002 passed by the Motor Accident Claims Tribunal, Kurukshetra granting compensation of Rs.2,40,000/- alongwith interest @ 9% per annum on account of death of Suraj Parkash.

**FAO Nos.2124 & 2125 of 2002 (O&M)**

The brief facts of the case are that on 17.02.2000, Suraj Parkash along with Mukesh Kumar were going to Kurukshetra University on a motor cycle bearing No.HR-07D-2872. When they reached near Panchal Shuttering Shop, Kurukshetra, one motor cycle bearing No.HR-07D-3293 driven by respondent No.1-Des Raj came from opposite side on a very high speed in a rash and negligent manner hit the motor cycle of Suraj Parkash, as a result of which, Suraj Parkash sustained serious injuries and was shifted to Lok Nayak Jai Parkash Hospital, Kurukshetra and thereafter, referred to P.G.I. Chandigarh. Suraj Parkash succumbed to his injuries in P.G.I, Chandigarh on 18.02.2000. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Learned counsel for the appellant has argued that Tribunal has erred in applying split multiplier. Counsel for the Insurance Company has accepted it. In the circumstances, the multiplier should have been 18 as per judgment of *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*.

However, learned counsel for Insurance Company points out that Tribunal has erred in taking the deduction 1/3 for five years & 2/3 for nine years. This is a wrong method. Consequently, the deduction would be half, since the deceased was an unmarried son.

Counsel for the appellant has further 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. I find favour with this argument and award this.

**FAO Nos.2124 & 2125 of 2002 (O&M)**

Further counsel for the appellant has further argued that the Tribunal has awarded Rs.12,000/- under conventional heads and as per the judgment passed in *Pranay Sethi (supra) and Sureshchandra Bagmal Doshi and anr. vs. New India Assurance Company Limited and others, 2018 (2) RCR (Civil) 841*, Rs.58,000/- more has to be awarded under the said head. I find this to be indeed so. Consequently, I grant Rs.58,000/- more under conventional heads. The enhanced amount shall be paid to his mother with interest @ 12% p.a. from the date of filing the claim petition till payment.

The appeal is allowed.

**FAO No.2125 of 2002 (O&M)**

FAO No.2125 of 2002 has been filed for enhancement of compensation and for modifying the award dated 18.01.2002 passed by the Motor Accident Claims Tribunal, Kurukshetra granting compensation of Rs.2,000/- and interest @ 9% per annum on account of damage of his motor cycle bearing No.HR-07D-2872.

Counsel for the apellant has argued that Tribunal has held that damages to the motor cycle could only be quantified at Rs.2000/-. Counsel has not been able to show me how this finding is incorrect.

Appeal is dismissed.

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

**October 25, 2018**  
*Ankur*

**(AJAY TEWARI)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |