

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

344

FAO-1272-2000 (O&M)

Date of Decision : 10.12.2018

Smt. Renu and others

..... Appellants

Versus

Chandradhan Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Vinod Kanwar, Advocate
for Mr. Ashit Malik, Advocate
for the appellants.

None for respondents No.1 to 3.

Mr. Rohit Goswami, Advocate
for Mr. D.P. Gupta, Advocate
for the respondent No.6.

AJAY TEWARI, J. (ORAL)

This appeal has been filed for enhancement of compensation and for modifying the award dated 15.11.1999 awarding compensation of Rs.4,20,000/- alongwith interest @ 12% p.a. on account of death of Pawan Kumar in a motor accident which took place on 05.10.1995.

Since only limited points have been urged further detailed reference to the facts is not required.

Counsel for the appellants has argued that no future prospects have been awarded and since the deceased was 33 years old, the appellants should have been awarded future prospects of 40% in view of the judgment of the Supreme Court in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*. I find this to be indeed so. Consequently, I award future prospects of 40%.

Counsel for the appellants has further argued that multiplier of 16 has to be applied instead of 10 in view of the judgment of the Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*. I find this to be correct. Consequently, I hold that multiplier of 16 be applied.

Counsel for the appellants has argued that the accident had taken place at Gauhati and the appellants had transported the body from Gauhati to Delhi and then from Delhi to Karnal by road. In this connection, they had placed on record the Air tickets. Apart from two partners, the widow and one daughter had gone to Gauhati to bring back the dead body by Air and even if the entire amount for all the five persons cannot be awarded yet at least the fare for the widow, the daughter and the dead body should have been awarded which comes to Rs.48,000/-. I find merit in this argument. Consequently, I award an amount of Rs.50,000/- for transportation of the body and funeral expenses. Apart from that, I award an amount of Rs.15,000/- towards loss of estate and an amount of Rs.40,000/- towards consortium to the widow as per the judgment of the Supreme Court in Pranay Sethi's case (supra). Further I award an amount of Rs.40,000/- each to the daughter and mother of the deceased towards filial consortium as per the judgment of the Supreme Court in *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018, decided on 18.09.2018*.

Further I hold that the enhanced amount shall be given alongwith interest @ 10% from the date of filing of claim petition till the date of realization. Apart from the individual amount awarded, the

enhanced amount would be apportioned in the same ratio as that granted by the Tribunal. Rest of the award shall remain unchanged.

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

December 10, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No