

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

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**FAO No.2590 of 2001 (O&M)
Date of Decision : 10.08.2018**

Tejinder Kaur and another

..... Appellants

Versus

Jagdish Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.K.Chawla, Advocate
for the appellants.

Mr. R.C.Gupta, Advocate
for respondent No.3-Insurance Company.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 18.04.2001 passed by the Motor Accident Claims Tribunal, Ludhiana granting compensation of Rs.5,10,000/- for the death of Harbans Singh and Rs.1,10,000/- for the death of Jarnail Kaur along with interest @ 9% p.a. in an accident which took place on 26.05.1997.

The brief facts of the case are that on 26.05.1997 Harbans Singh and Jarnail Kaur were proceeding on a scooter and a truck bearing registration No.PJK-6575 being driven rashly and negligently struck into the scooter of Harbans Singh as a result of which Harbans Singh and Jarnail Kaur fell down on account of impact and died.

Counsel for the appellants has argued that the age of deceased was 52 years and 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 11 has to be applied instead of 6 for the death of Harbans Singh. I find this to be indeed so. Consequently, it is held that multiplier of 11 has to be applied.

Counsel for the appellants further states that under the conventional heads Rs.30,000/- more has to be awarded in view of the judgment passed in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*** as the accident took place on 26.05.1997. Counsel for the insurance company-respondent No.3 has accepted this fact. Consequently, Rs.30,000/- more is awarded towards conventional heads.

Counsel for the appellants has further argued that future prospects has not been granted and prayed that 15% future prospects has to be granted in view of the aforesaid judgment.

Counsel for the insurance company-respondent No.3 is not in a position to deny this. I find this to be indeed so. Further it is held that 15% has to be added towards future prospects.

Counsel for the appellants has further argued that even if the deceased-Jarnail Kaur had been treated as housewife her contribution to the family would have to be computed in view of ***Lata Wadhwa and others Vs. State of Bihar and others, (2001) 8 SCC 197***. As per him, in the case of ***Lata Wadhwa's (supra)*** the Supreme Court held the notional income of a house wife to be Rs.3000/- in the year 1989.

Counsel for the insurance company-respondent No.3 has not been able to deny this fact. Considering that in the present case, as the accident took place in the year 1997, I deem it appropriate to take notional income of the deceased as Rs. 3,500/- per month. Ordered accordingly. The deceased was 49 years old at the time of accident. As per the judgment of Supreme Court in the matter of ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*** the Supreme Court laid down that for the age of 49 years, multiplier should be 13. I find this to be indeed so. Consequently, it is held that multiplier of 13 has to be applied. Counsel for the appellants further states that under the conventional heads Rs.30,000/- more has to be awarded in view of the judgment passed in ***Pranay Sethi's case (supra)*** for the death of Jarnail Kaur. Counsel for the insurance company-respondent No.3 has accepted this fact. Consequently, Rs.30,000/- more is awarded towards conventional heads.

Counsel for the insurance company-respondent No.3 however points out that interest @ 9% has been awarded and in the present time interest is not awarded at such high rates. I find this to be correct. Consequently, I hold that the enhanced amount would carry interest @ 7.5% from the date of filing the claim petition till the date of payment.

The rest of the award, management and apportionment will remain same.

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.

10.08.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No