

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

476

**FAO-1288-2002 (O&M)
Date of Decision : 29.08.2018**

Smt. Nagma Devi and another

..... Appellants

Versus

Daler Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. D.R. Bansal, Advocate
for the appellants.

None for the respondents.

AJAY TEWARI, J. (Oral)

This matter was listed yesterday but none had appeared on behalf of the respondents and the same had been adjourned for today to await appearance. Even today none has entered appearance on behalf of the respondents. Consequently, no further opportunity can be granted and I am proceeding with the case.

This appeal has been filed for enhancement of compensation and for modifying the award dated 02.06.2001 awarding compensation of Rs.3,05,000/- alongwith interest @ 9% p.a. on account of death of Deepak in a motor accident on 17.06.1998.

Counsel for the appellants states that he is raising very limited ground for enhancement and therefore detailed reference to the facts is not required. As per the counsel, the Supreme Court in the

latest decision in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* has held that in such cases there would have to be future prospects of 40%. Counsel has further argued that the age of the deceased was 20 years and therefore the multiplier of 18 has to be awarded instead of 15 as per 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 indeed so. Consequently, I grant future prospects of 40%. Further I hold that multiplier of 18 be applied. However, I find that under the conventional head an amount of Rs.35,000/- instead of Rs.30,000/- as held by the Supreme Court in Pranay Sethi's case (supra). Consequently, I reduce an amount of Rs.5000/- under the conventional head. Further I find that the Tribunal has awarded an interest of 9% p.a. At that time it may have been justified but as on date the same is excessive. Consequently, it is held that the enhanced amount shall be given alongwith interest @ 7.5% p.a. from the date of filing of the claim petition till the date of payment. The apportionment and management would be as per the direction of the Tribunal.

Appeal stands disposed of.

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

August 29, 2018
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(AJAY TEWARI)
JUDGE

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