

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

FAO-2125-2004 (O&M)

Date of Decision : 29.10.2018

Lachhman Dass and another

..... Appellants

Versus

Satnam Singh and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Sahil Khunger, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.3.

AJAY TEWARI, J. (ORAL)

This appeal has been filed for enhancement of compensation and for modifying the award dated 03.02.2004 awarding compensation of Rs.74,000/- alongwith interest @ 9% p.a. on account of death of Kamal Chand in a motor accident which took place on 05.07.1997.

Counsel for the claimants-appellants has argued that the Tribunal has erred in taking the contribution of the deceased as only Rs.600/- p.m.

Counsel for the respondent NO.3-insurance company has accepted this fact but points out that the income of Rs.2100/- p.m. being unskilled labourer was excessive in the year 1997 and it could be more than Rs.1500/- p.m.

Counsel for the appellants has accepted this argument.

In the circumstances, the income is taken as Rs.1500/- p.m. and deduction of 1/2 is taken. However, in view of the judgment of the Supreme Court passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* the future prospect of 40% is awarded.

Counsel for the appellants has further pointed out that the multiplier has to be applied as per the age of the deceased and not as per the age of the parents and stated that as per the judgment of the Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*, the multiplier of 18 has to be applied instead of 10. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I hold that the multiplier of 18 has to be applied.

Counsel for the appellants has argued that under the conventional heads only an amount of Rs.2000/- has been awarded and an amount of Rs.68,000/- more has to be awarded as per the judgments of the Supreme Court in Pranay Sethi's case (supra) and *Sureshchandra Bagmal Doshi and Another vs. New India Assurance Company Ltd. and ors., 2018 AIR (SC) 2088*.

I find merit in this argument as well. Consequently, I award Rs.68,000/- more under the conventional heads.

I further find that the interest of 9% p.a. which has been awarded by the Tribunal is very low. Consequently, I hold that the entire compensation amount be given alongwith interest @ 10% p.a. from the date of filing of the claim petition till the date of payment.

Appeal stands disposed of in the above terms.

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

October 29, 2018
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(AJAY TEWARI)
JUDGE

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