

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

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**FAO No. 1809 of 2005 (O&M)
Date of Decision : 14.09.2018**

Kulwant Kaur and others

..... Appellants

Versus

Pepsu Road Transport Corporation, Patiala
and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Surinder Garg, Advocate
for the appellants.

None for the respondents.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 03.01.2005 passed by the Motor Accident Claims Tribunal, Faridkot granting compensation of Rs.3,00,000/- and interest @ 6% per annum in favour of the appellants and against the respondents.

The brief facts of the case are that on 07.01.2004 at about 3.00 p.m. deceased Nirmal Singh, ASI was standing at the bus stand, Phillaur for boarding a bus for Ludhiana. In the meantime, a bus bearing registration No.PB-11N-9501 belonging to PRTC Bathinda depot came at that Bus Stand. When the deceased tried to board the bus, respondent No.3-Driver started the bus and accelerated it negligently due to which

Nirmal Singh fell down from the bus and received multiple injuries on his head and other parts of the body and succumbed to his injuries in the hospital. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.3 and ordered the compensation as mentioned above.

Counsel for the appellants has argued that the Tribunal did not use the multiplier method and straightway awarded lump-sum compensation. He further states that as per the salary certificate he was drawing a salary of Rs.12,103/- per month. The deceased was aged about 49 years at the time of his death and was a government employee.

Counsel for the appellants has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 30% had to be awarded on account of future prospects. I find this to be indeed so. It is held that 30% has to be awarded towards future prospects.

Counsel for the appellants further states that 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 13 had to be applied. I find this to be indeed so. Ordered accordingly. Since there are three claimants, the deduction would be 1/3rd.

Further counsel for the appellants has argued that as per the judgment passed in *Pranay Sethi (supra)* Rs.70,000/- has to be awarded under conventional heads. I find this to be indeed so. Consequently, I grant Rs.70,000/- more under conventional heads.

Counsel for the appellants states that the rate of interest was very low because only 6% was granted. I deem it appropriate to grant interest @7.5% on the entire compensation. The entire enhanced amount would be handed over to appellant No.1-Kulwant Kaur.

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.

14.09.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No