

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

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FAO No. 338 of 2005 (O&M)

Date of Decision : 14.09.2018

Smt. Bimla Kaur and others

..... Appellants

Versus

Satish Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Govind Rana, Advocate for
Mr. Harkesh Manuja, Advocate
for the appellants.

Ms. Sanya Sapra, Advocate with
Ms. Priya Deep, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 01.10.2004 passed by the Motor Accident Claims Tribunal, Panipat granting compensation of Rs.1,91,800/- and interest @ 6% per annum in favour of the appellants and against the respondents.

The brief facts of the case are that on 23.01.2003 Ram Pal Singh alongwith Surjeet Since (since deceased) was coming to their village New Bohli from refinery on a bicycle. When they reached near Dera of Janeshwar Panch, the offending vehicle being driven in a rash and negligent manner came from the side of Bohli and struck against their

bicycle. Due to the impact both the occupants fell down on the road and received multiple injuries and Surjit Singh died at the spot. The respondent No.1 escaped from the scene. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Counsel for the appellants has argued that the death had taken place in the year 2003 and the income has rightly been taken as Rs.2,100/- per month. However, he has argued 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 14 has to be applied instead of 11. I find this to be indeed so. Consequently, it is held that multiplier of 14 has to be applied.

Further counsel for the appellants has argued that the Tribunal has awarded Rs.7,000/- under conventional heads and as per the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, Rs.63,000/- more has to be awarded under the said head. Counsel for the appellants has further argued that future prospects of 25% has to be granted in view of the judgment passed in *Pranay Sethi (supra)*. Learned counsel for respondent No.3 is not in a position to deny this. Consequently, I grant Rs.63,000/- more under conventional heads and 25% towards future prospects.

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. Since all the children are

now major the entire enhanced amount would be handed over to appellant No.1-Smt. Bimla 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