

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

421

FAO-3923-2005 (O&M)  
Date of Decision : 31.10.2018

Somwati and another

....Appellants

vs.

Kulvinder Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Shventanshu Goel, Advocate for the appellants.

Mr. Rahul Pathania, Advocate for  
Mr. R.C.Kapoor, Advocate  
for the respondent-insurance company.

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**AJAY TEWARI, J. (Oral)**

This appeal has been filed against the award dated 22.4.2005 passed by Motor Accident Claims Tribunal, Karnal awarding compensation of Rs. 2,44,500/- alongwith interest at the rate of 9% per annum on account of death of Pawan Kumar in an accident.

Since limited points have been urged detailed reference to the facts is not required.

Counsel for the appellants argues that in view of the Constitution Bench judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* 40% future prospects has to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I

award 40% future prospects.

Counsel for the insurance company points out that deduction has been made at  $1/3^{\text{rd}}$  whereas it should be  $1/2$  since the deceased was unmarried. I accept this argument also. Therefore, deduction has to be  $1/2$  instead of  $1/3^{\text{rd}}$ .

Counsel for the appellants further has argued that as per the judgment of Pranay Sethi's case (supra) read with the judgment of the Supreme Court passed in the matter of ***Sureshchandra BagmalDoshi and Anr. vs. New India Assurance Company Limited and others*** reported as ***2018 (2) RCR (Civil) 841*** under the conventional heads Rs.70,000/- is to be payable whereas the Tribunal has awarded only Rs.4,500/- under this head. Counsel for the insurance company has very fairly accepted this fact. Consequently, I award Rs. 65,500 /- more under the conventional heads.

Learned counsel for the appellants points out 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 18 has to be applied. Learned counsel for the insurance company is not in a position to deny this also. Consequently, it is held that multiplier of 18 has to be applied instead of 16.

Counsel for the appellant further points out that in the judgment of Magma General Insurance Company Limited (supra) the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the entire compensation from the date of filing of the claim petition till the date of payment.

The appeal stands allowed with the abovesaid modifications.

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

31.10.2018  
anuradha

(AJAY TEWARI)  
JUDGE

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