

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

FAO No. 5087 of 2006

Date of decision : September 18, 2018

Ram Chander and another

..... Appellants

v.

Manga Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.N Lohan, Advocate
for the appellants.

Mr. Manmohan, Advocate
for Mr. Suman Jain, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation.

Brief facts are that on 23.6.2005, the deceased Vikram Singh and Ramphal were going to the field on a jhota buggy and when they reached in the area of Hansi road, Jind, the offending vehicle being driven rashly and negligently came from the front side and struck against the jhota buggy, as a result of this accident, both the deceased and Ramphal received multiple injuries and eventually the former died. Hence, the claim petition was filed.

Counsel for the appellant has argued that the income of the deceased taken by the Tribunal is on lower side. I find that even though no proof of income was given and the Tribunal rightly considered the deceased

to be a labourer, yet the minimum wages for an unskilled labourer prevalent in the State of Haryana at that time were ₹ 2600/-. Consequently, I take that in this case.

Counsel for the appellants has further argued that the Tribunal erred in not granting any future prospects. As per him, in view of the judgment of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, 40% had to be awarded on account of future prospects. Counsel for the Insurance Company is not in a position to deny this. Consequently, I direct that future prospects of 40% be granted in this case.

Counsel for the Insurance Company, however, points out that since the deceased was unmarried, deduction had to be 50%. I find it so and direct that deduction would be 50% in this case.

Counsel for the appellants has further argued that the multiplier applied by the Tribunal was as per the age of the parents, whereas in view of the decision of the Supreme Court in Sarla Verma and others vs Delhi Transport Corporation and another, AIR 2009 (SC) 3104, multiplier should be as per the age of the deceased. Counsel for respondent No.3 is not in a position to dispute this. Consequently, I direct that 18 would be the multiplier in this case.

Counsel for the appellants has further argued that under the conventional heads, only a sum of ₹ 10,000/- has been awarded. Counsel for respondent No.3 does not dispute this also. Consequently, in view of the decisions of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, and Sureshchandra Bagmal Doshi & Anr v. New India Assurance Co. Ltd & others, 2018(2)

RCR (Civil) 841, I grant ₹ 60,000/- more under this head.

Counsel for the appellants has further argued that the rate of interest viz 6% awarded by the Tribunal is extremely low. I direct that the entire compensation would carry the rate of interest as 7.5% from the date of filing the application till the date of payment. The entire amount would be handed over to appellant No.2.

With these modifications in the Award, this appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

September 18, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No