

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-4296-2011 (O&M)
Date of Decision : 16.8.2018

Badamo Devi

....Appellant

vs.

Somveer Singh and another

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Tara Chand Dhanwal, Advocate
for the appellant.

Mr. Avishek, Advocate for
Mr. Pradeep Goyal, Advocate
for the respondent-insurance company.

AJAY TEWARI, J. (Oral)

CM-20149-CII-2016

This is an application for early hearing of the main case.

For the reasons recorded, the same is allowed and the case is
heard today itself.

Main Case

This appeal has been filed against the award dated 10.2.2011
passed under Motor Accident Claims Tribunal, Bhiwani awarding
compensation of Rs. 2,35,210/- alongwith interest at the rate of 6% per
annum on account of death of Dasrath @ Balwant in an accident.

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

The first argument raised by the counsel for the claimant is that the age of the deceased was 28 years but the Tribunal erred in taking the multiplier as per the age of the mother of the deceased-claimants. He states that now as per the judgment of Supreme Court passed in the matter of ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*** multiplier has to be applied as per the age of the deceased.

Counsel for the insurance company is not in a position to deny this. Consequently, it is held that multiplier of 18 has to be applied.

Second argument raised by the learned counsel for the claimant is that the Tribunal erred in applying the deduction $\frac{1}{2}$. It should be $\frac{1}{3}$ rd. Learned counsel for the insurance company is not in a position to deny this. Therefore, deduction has to be $\frac{1}{3}$ rd instead of $\frac{1}{2}$

Third argument raised by the counsel for the claimants is that the Tribunal erred in awarding interest @ 6% per annum which is too low as per today's regime and prays to increase the interest rate from 6% to 7.5%. Learned counsel for the respondent is not in a position to deny this. Therefore, the entire amount would carry interest at the rate of 7.5% per annum from the date of filing of claim petition till the date of realization.

Since the claim petition was filed under Section 163-A of the Motor Vehicle Act, 1988 no enhancement can be made under any head.

The apportionment and management would be same as ordered by the Tribunal.

The appeal stands disposed of with the abovesaid modifications.

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

16.8.2018
anuradha

(AJAY TEWARI)
JUDGE

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