

F.A.O. No. 1469 of 2012 (O&M)

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

F.A.O. No. 1469 of 2012 (O&M)

Date of Decision:01.02.2018

Smt. Rajo and another

.....Appellants

Versus

Karambir and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Mr. Eklavya Darshi, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.(oral)

The present appeal is against the award dated 01.10.2011 passed by the Motor Accidents Claims Tribunal, Jind (for short 'the Tribunal') in MACT Case No. 7 of 15.1.2011.

In a claim petition filed by the parents of Nirmal, aged 20 years, under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), Tribunal awarded a sum of Rs.3,32,000/- along with interest at the rate of 7% per annum

On 11.11.2010 Nirmal was a pillion rider on a motor cycle bearing registration No.HR-10-K-9243. The motor cycle was being driven by Satyawar. Virender minor son of Satyawar was being taken to the Doctor for treatment on the said motor cycle. A rashly and negligently driven truck bearing registration No.HR-56-2139 (for short 'the offending vehicle') struck the motor cycle, as a result, Nirmal lost her life and

The present appeal has been filed for enhancement of compensation.

I have heard learned counsel for the parties, perused the paper book and the record.

The parties have not disputed the facts regarding rash and negligent driving of the offending vehicle, age of the deceased, monthly earning of the deceased and deduction made for self expenses. The deceased was 20 years old unmarried girl. As per the decision of Hon'ble the Apex Court in **Sarla Verma and others Vs. Delhi Transportation Corporation and another (2009)6 SCC 121**, multiplier of 18 has to be applied instead of 13 applied by the Tribunal. The deceased was below 40 years of age, therefore, 40% future prospects are to be awarded as per the decision of Hon'ble the Apex Court in case **National Insurance Company Limited Versus Pranay Sethi and others Special Leave Petition (Civil) No. 25590 of 2014 decided on 31.10.2017**. The Tribunal had not awarded any future prospects.

In the decision of Hon'ble the Apex Court in **Pranay Sethi's case (supra)**, it has been held that Rs. 15,000/- each has to be awarded for funeral expenses and loss of estate.

The compensation is recalculated as under:

Monthly earning	Rs.4000/-
½ deduction for self expenses	Rs.2000/-
40% future prospects	Rs.800/-
applying multiplier of 18 (2800x12x18)	Rs.6,04,800/-
Conventional heads	Rs.30,000/-
Total	Rs.6,34,800/-

The award dated 01.10.2011 is modified to the extent that the amount awarded of Rs. 3,32,000/- is enhanced to Rs.6,34,800/-.

The claimants shall be entitled to enhanced amount alongwith interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the above said terms.

(AVNEESH JHINGAN)
JUDGE

01.02.2018
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No