

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-14074-CII-2017 in/and
FAO-3857-2012 (O&M)
Date of Decision : 10.12.2018

Smt. Bimla Rani and another

...Appellants

vs.

Ram Niwas and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.C.Gupta, Advocate
for the appellants.

Mr. Arun Sharma, Advocate for
Mr. T.K.Joshi, Advocate
for respondent-insurance company.

AJAY TEWARI, J. (Oral)

CM-14074-CII-2017

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

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

Main Case

This appeal has been filed against the award dated 30.3.2012
passed by Motor Accident Claims Tribunal, Rohtak awarding compensation
of Rs. 1,12,000/- alongwith interest at the rate of 7.5% per annum on
account of death of Sandeep in an accident.

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

Counsel for the claimant asserts that the income of the deceased was taken on the lower side because on that date as per the provisions of the Minimum Wages Act Haryana, the minimum wages was Rs. 3914/- per month and the Tribunal erred in taking the income of the deceased as Rs.3400/- per month. Counsel for the insurance company is not in a position to deny this. Consequently, I hold the income of the deceased as Rs. 4,000/- per month as per the provisions of the Minimum Wages Act in Haryana.

Second argument raised by the learned counsel for the appellants is 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 15 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 15 has to be applied.

Counsel for the appellants has further argued 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.

The next argument raised by the counsel for the appellants is that as per judgment of the Supreme Court *National Insurance Company Ltd. vs. Pranay Sethi and others (supra)* under the conventional heads Rs.60,000/- more had to be granted whereas the Tribunal had awarded only Rs. 10,000/-. Counsel for the insurance company has very fairly accepted this fact. Consequently, I award Rs.60,000/-more under the conventional

heads.

Counsel for the appellant has further pointed out that in the judgment of “*Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others*” reported as *2018 (4) RCR Civil 333* 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 enhanced amount from the date of filing of the claim petition till the date of payment. Rest of the Award shall remain unchanged.

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.

10.12.2018
anuradha

(AJAY TEWARI)
JUDGE

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