

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

FAO No.4745 of 2012 (O&M)

Date of Decision: 30.05.2018

Jasvir Kaur

. . . Appellant

Versus

Jaswant Singh and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J.K. Singla, Advocate
for the appellant.

None for the respondents/PRTC.

Avneesh Jhingan, J. (Oral)

The present appeal has been filed against award dated 25.08.2011 passed by Motor Accidents Claims Tribunal, Mansa (for short 'the Tribunal').

Mithu Singh, aged 54 years, lost his life in a motor vehicular accident that took place on 31.08.2010. He was going on the bicycle and was hit by the bus of Pepsu Road Transport Corporation, Sangrur (for short 'PRTC') bearing registration No.PB-13-T-5365. As a result of the impact, Mithu Singh suffered serious injuries. He was admitted to Civil Hospital, Mansa, from where he was referred to PGIMER, Chandigarh, but he died on the way to Chandigarh. FIR No.204 dated 31.08.2010,

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under Sections 279, 304-A IPC was registered at Police Station, City Mansa.

The legal representatives of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. The respondents in the claim petition i.e. the driver of the offending vehicle and the officials/ owner i.e. PRTC were held jointly and severally liable to pay the amount of compensation to the claimants. The Tribunal assessed the monthly earning of deceased as Rs.4500/- per month, after 1/3rd deduction for self expenses, applying multiplier of 11, the compensation of Rs.4,03,000/- was awarded along with interest @ 9% per annum. The amount awarded includes Rs.2,000/- towards funeral expenses and Rs.5,000/-for loss of consortium.

Present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant contended that the Tribunal erred in not adding the future prospects and the amounts awarded under the conventional heads are on the lower side. No other issue is raised.

The contention raised by the counsel deserves acceptance.

Having due regard to the decision of Hon'ble Supreme Court in **National Insurance Company Limited Versus Pranay Sethi and others 2017 AIR (SC) 5157**, 10% future prospects are to be awarded and the appellant would be entitled to Rs.70,000/- under conventional heads

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i.e. Rs.15,000/- for loss of estate, Rs.15,000/- for funeral expenses and Rs.40,000/- for loss of consortium.

Since there is no dispute regarding the loss of dependency calculated by the Tribunal i.e. Rs.3,96,000/-, 10% of the same is awarded as future prospects i.e. Rs.39000/-. The conventional heads are enhanced from Rs.7,000/- to Rs.70,000/- i.e. Rs.15,000/- for loss of estate, Rs.15,000/- for funeral expenses and Rs.40,000/- for loss of consortium.

The net effect is that award dated 25.08.2011 is modified to the extent that the amount awarded by the Tribunal of Rs.4,03,000/- is enhanced by Rs.1,02,000/-

The claimant would be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

[AVNEESH JHINGAN]
JUDGE

May 30, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No