

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 6182 of 2012 (O&M)

Date of Decision:01.02.2018

Sunita

.....Appellant

Versus

The Oriental Insurance Co. Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. C.L. Sharma, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No.1-Insurance Company.

AVNEESH JHINGAN, J.(oral)

The appeal is an outcome of a claim made under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') as Varun Girotra aged 22 years lost his life in a motor vehicular accident.

On 11.3.2007 he was travelling in a Santro Car. The said car was hit by a rashly and negligently driven Tempo bearing registration No.HR-46-B-1059. As a result of the injuries suffered in the accident, Varun Girotra, lost his life. FIR No. 55 dated 11.3.2007 was registered at Police Station Sadar Bahadurgarh District Rohtak.

Unfortunate mother who lost her young son filed a claim petition. The Tribunal awarded a sum of Rs.3,61,000/- alongwith interest at the rate of 7.5% per annum. The amount awarded included medical bills of Rs.20,100/- and Rs.5000/- for funeral expenses.

I have heard learned counsel for the parties with regard to enhancement of compensation and perused the record and paper book.

The parties have not disputed the age of the deceased,

involvement of the offending vehicle, monthly earning of the deceased and $\frac{1}{2}$ deduction made for self expenses.

The issues involved in the appeal are that multiplier of 14 has been applied whereas 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 should have been applied. Future prospects of 40% are to be awarded and Rs.15,000/- each is to be awarded for funeral expenses and loss of estate.

For awarding future prospects and conventional heads, reliance is placed upon the decisions of Hon'ble the Apex Court in *National Insurance Company Limited Versus Pranay Sethi and others Special Leave Petition (Civil) No. 25590 of 2014 decided on 31.10.2017* and *Hem Raj Versus Oriental Insurance Company Ltd. (in Civil Appeal No. 19602 of 2017 decided on 22.11.2017)*

The compensation is awarded as under:

Monthly earning	4000x12=	Rs.48,000/-
$\frac{1}{2}$ deduction for self expenses		Rs.24,000/-
40% future prospects		Rs.9600/- (24000+9600=33600)
multiplier of 18		33600x18=6,04,800/-
conventional heads		Rs.30,000/-
Medical expenses already awarded by Tribunal		Rs.20,100/-
Total		Rs.6,54,900/-

The award dated 23.07.2012 is modified to the extent that the amount awarded of Rs. 3,61,000/- is enhanced to Rs.6,54,900/-.

The claimant 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.

01.02.2018

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No