

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

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**FAO-1100-2013 (O&M)  
Date of Decision : 2.8.2018**

**Rajbir**

**....Appellant**

**vs.**

**Balam Singh and others**

**....Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. Ram Pal Verma , Advocate  
for the appellant(s).

Mr. Mrigank Sharma, Advocate  
for respondent No.3.

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**AJAY TEWARI, J. (Oral)**

This appeal has been filed against the award dated 22.2.2012 passed under Motor Accident Claims Tribunal, Sonapat awarding compensation of Rs. 2,06,900/- alongwith interest at the rate of 7.5% per annum on account of death of Parvesh in an accident.

Brief facts of the case are that on 2.3.2011 the deceased had gone to village Mudlana on motorcycle accompanied by his uncle and one Naresh kumar who were on their separate motorcycle. The deceased had left his village Moi Hooda and at about 10:00 am when they all had reached near Bharat Gas Agency situated on Panipat Road, Gohana, Container being driven by respondent No.1 came from the side of Panipat and struck against the motorcycle of deceased after coming on the wrong side. Due to accident

deceased was crushed under the tyre of offending vehicle and died on the spot. Claim petition was filed and the Tribunal ordered the compensation as mentioned above. Counsel for the appellant states that there is no dispute regarding liability.

Learned counsel for the appellant has argued that the Tribunal has erred in taking the multiplier as per age of the claimant while it has been conclusively held that multiplier has to be taken as per the age of the deceased on the date of accident. Counsel for the respondent No.3 is not in a position to deny this. Consequently, multiplier of 18 has to be applied instead of 9.

Second argument raised by the counsel for the appellant is regarding future prospects. He argues 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 have to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award 40% future prospects.

Counsel for the appellant further states that even if the income of the deceased is taken as unskilled labourer, as per the minimum wages prevalent on that date the income had to be taken as Rs. 4214/-. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, income would be taken as 4200/-.

The appellant further has argued that as per the judgment of Pranay Sethi's case (supra) under the conventional heads Rs.30,000/- is to be payable whereas the Tribunal has awarded Rs. 12,500 only and therefore, an amount of Rs. 17,500/- more has to be awarded under the conventional

heads.

Counsel for the insurance company has very fairly accepted this fact. Consequently, I award Rs. 17,500 /- more under the conventional heads.

No other argument has been raised by the counsel for the appellant.

The appeal stands disposed of with the abovesaid modifications. The apportionment, interest and management shall remain unchanged.

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

**2.8.2018**  
**anuradha**

**(AJAY TEWARI)**  
**JUDGE**

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