

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

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**FAO No. 10428 of 2014 (O&M)
Date of Decision : 14.09.2018**

Lalti Kumari and another

..... Appellants

Versus

Sucha Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Naresh Kumar, Advocate for
Mr. Abhinav Gupta, Advocate
for the appellants.

Mr. Deepak Sharma, Advocate
for respondent No.1.

Mr. Punit Jain, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 24.07.2014 passed by the Motor Accident Claims Tribunal, Ambala granting compensation of Rs.5,96,000/- and interest @ 7.5% per annum in favour of the appellants and against the respondents.

The brief facts of the case are that on 27.02.2013 the deceased-Amandeep Singh was coming towards Mahesh Nagar from Ambala Cantt by driving Car No.HR-70A-1295 along with three other persons. At about 2.00 PM when they reached near Gobind Nagar

Chowk, Mahesh Nagar, Ambala Cantt a Sonalika Tractor bearing No.HR-01V-4077 with trolley came from Saha side driven by its driver-respondent No.1 rashly and negligently at a high speed hit his trolley towards the driver side of the car. When the deceased came down from this car and asked respondent No.1 for causing this accident he drove his tractor-trolley at a high speed and hit his tractor against Amandeep, as a result of which he fell down on the road and the tyre of tractor-trolley crushed over his body and due to serious injuries, he was referred to PGI, Chandigarh where he succumbed to the injuries on the same day. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Counsel for the appellants has argued 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 18 has to be applied instead of 13. I find this to be indeed so. Consequently, it is held that multiplier of 18 has to be applied.

Learned counsel has argued that nothing has been awarded on account of future prospects being a casual labourer. He has further has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 40% had to be awarded on account of future prospects. Counsel for the respondents are not in a position to deny this. I find this to be indeed so and it is held that 40% has to be awarded towards future prospects.

Further counsel for the appellants has argued that the Tribunal has awarded Rs.50,000/- under conventional heads and as per the judgment passed in ***Sureshchandra Bagmal Doshi & anr. Vs. The New India Assurance Company Limited & ors, 2018(2) RCR (Civil) 841*** compensation of Rs.20,000/- more should be awarded for loss of love and affection since the deceased was a bachelor. I find this to be indeed so. Consequently, I grant Rs.20,000/- more under conventional heads.

The entire enhanced amount would go to appellant No.1.

Appeal is allowed in the above terms and the award is modified accordingly.

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

14.09.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No