IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 101

Case No. : FAO No. 1198 of 2015 (O&M)

Date of Decision : December 05, 2018

Rajwinder Kaur and another .... Appellants

vs.

Ajit Singh and others .... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Parveen K. Kataria, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent no. 3.

* * *

DEEPAK SIBAL, J. (Oral) :

Through the present appeal, the appellants/claimants seek enhancement in the compensation granted by the Motor Accident Claims Tribunal (Ad hoc), Fast Track Court, Amritsar (for short – the Tribunal).

The brief facts, as borne out from the record, are that on 26.10.2013 at about 07:00 AM, deceased Gursharan Singh, along with his friend Hira Singh, were going on a scooter bearing registration no. PB-02-M-2416 from their Village Kotla Tarkhana to Amritsar. When they reached near the bridge of Verka drain, they were hit by a bus bearing registration no. PB-02-AV-8985 (for short – the offending vehicle). Due to the accident, Gursharan Singh died at the spot whereas Hira Singh received serious injuries. A FIR under Sections 304-A, 338, 337, 279, 429 IPC was registered against the driver of the offending vehicle. The claimants, who were the parents of the deceased Gursharan Singh, also filed a Claim

Petition under Section 166 of the Motor Vehicles Act, 1988 (for short – the Act) seeking compensation for the death of Gursharan Singh in the aforesaid accident.

After sifting the evidence led by the parties, the Tribunal assessed the payable compensation, enhancement of which is sought by the claimants through the present appeal.

Learned counsel for the appellants submits that the Tribunal erred by assessing the payable compensation by adding future prospects only @ 30% to the assessed income of the deceased since as per the law laid down by the Hon'ble Apex Court in **National Insurance Company Ltd. vs. Pranay Sethi and others – (2017) 16 SCC 680**, future prospects @ 40% were required to be granted as the age of the deceased was only 20 years.

Learned counsel for the respondent – Insurance Company fairly admits to the above claim made by the appellants.

In view of the above, the impugned Award is modified only to the extent that instead of 30%, the appellants are held entitled to future prospects @ 40% on the assessed income of the deceased. The appellants are also held entitled to interest @ 6.5% per annum on the enhanced compensation from the date of filing of the Claim Petition till its realization.

No other point was urged.

The appeal stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

December 05, 2018
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Whether speaking/reasoned ?	*Yes/No.*
Whether reportable ?	*Yes/No.*