

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

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**FAO No.162 of 2015 (O&M)
Date of Decision : 13.07.2018**

Tej Ram

..... Appellant

Versus

Surender and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Shashi Kant Gupta, Advocate
for the appellant.

Mr. Subhash Goyal, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 04.04.2014 passed by Motor Accident Claims Tribunal, Narnaul granting compensation of Rs.8,39,000/- and interest @ 7 ½ % per annum in favour of the appellants and against the respondents.

Brief facts of the case are that on 07.03.2012 at about 4.00/4.30 a.m. Om Parkash alongwith Vinod Kumar was standing near his TATA 709 bearing No.RJ32G-1551 near Bus Stand, Dharuhera and they had stopped for toilet and tightening the ropes of his vehicle. In the meantime, a truck bearing No.HR-55N-1783, which was being driven by respondent No.1 at a very high speed, rashly and negligently came there and struck against Om Parkash, as a result thereof, he sustained grievous injuries and died after some time. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1

Learned counsel for the appellant has argued that the Tribunal has awarded Rs.20,000/- under conventional heads and as per the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* the compensation of Rs.15,000/- has to be awarded towards loss of estate, Rs.40,000/- towards loss of consortium and Rs.15,000/- towards for funeral expenses. Learned counsel for the insurance Company points out that in view of the judgment of Pranay Sethi (supra) the future prospects had to be 25% instead of 30% while counsel for the appellant has argued that the salary has been taken at Rs.5,000/- per month whereas the deceased being a Driver had to be taken as a skilled labour and at the relevant time as per the schedule of minimum wages Act the wages of skilled labour were Rs.5,497/-.

I find this to be indeed so. Consequently, salary shall be taken as Rs.5,497/- and Rs.70,000/- shall be granted under conventional heads instead of Rs.20,000/-. Further it is held that 25% has to be added instead of 30% towards future prospects. The apportionment, management and interest shall remain unchanged.

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.

(AJAY TEWARI)
JUDGE

13.07.2018
Pooja sharma-I

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