

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221-A

CM-513-514-CII-2015 in/and
FAO-164-2015 (O&M)
Date of Decision : 29.10.2018

Smt. Rani and another

..... Appellants

Versus

Waryam Chand and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: None for the appellants.

Mr. G.S. Ahlawat, Advocate
for respondent No.3

AJAY TEWARI, J. (ORAL)

CM-513-514-CII-2015

For the reasons recorded, the applications are allowed. Delay of 49 days in refiling the appeal is condoned. As regards the delay of 93 days, in my opinion, it would be in the interest of justice if this application is allowed subject to the condition that the appellants shall not be entitled to the interest for the period during which the appeal was delayed. Ordered accordingly. Delay condoned.

FAO-164-2015 (O&M)

This appeal has been filed for enhancement of compensation and for modifying the award dated 17.01.2014 awarding compensation of Rs.4,21,000/- alongwith interest @ 7.5% p.a. on account of death of Roshan

Lal in a motor accident which took place on 02.07.2012.

Counsel for the respondent No.3 has pointed out that future prospects of 50% have been wrongly granted by the Tribunal and it could not be more than 40% as per the judgment of the Supreme Court passed in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009***. I find this to be indeed so. Consequently, I hold that future prospects of 40% has to be added instead of 50%.

I find that the multiplier has to be applied as per the age of the deceased and not as per the age of the parents and as per the judgment of the Supreme Court in ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298***, the multiplier of 18 has to be applied instead of 11. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I hold that the multiplier of 18 has to be applied.

I further find that an amount of Rs.25,000/- has been awarded under the conventional heads. However, as per the judgment of the Supreme Court passed in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009 and Sureshchandra Bagmal Doshi and Another vs. New India Assurance Company Ltd. and ors., 2018 AIR (SC) 2088***, an amount of Rs.70,000/- has to be awarded. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award Rs.45,000/- more under the conventional heads.

I further find that the interest of 7.5% p.a. which has been awarded by the Tribunal is very low. Consequently, I hold that the entire compensation amount be given alongwith interest @ 12% p.a. from the date of filing of the claim petition till the date of payment in view of the

judgment of the Supreme Court in the matter of Magma General Insurance Company Ltd.'s case (supra).

Appeal stands disposed of in the above terms.

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

October 29, 2018
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(AJAY TEWARI)
JUDGE

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