

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

230-A

**FAO-3822-2014 (O&M)
Date of Decision : 19.11.2018**

Salochna and another

....Appellants

vs.

Mukesh Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Kuldeep Sheoran, Advocate
for the appellants.

Mr. Pradeep Kumar, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 27.9.2013 passed by Motor Accident Claims Tribunal, Hisar awarding compensation of Rs. 7,60,000/- alongwith interest at the rate of 9 % per annum on account of death of Sukhbir in a motor accident.

Since limited points have been urged detailed reference to the facts is not required except that recovery rights have been given to respondent No.3 against respondents No.1 and 2 who were served in this appeal but have chosen to remain ex parte.

Learned counsel for the appellants has argued that Tribunal took the age of the parents as the basis for multiplier whereas it should be as per the age of the deceased. Counsel for the respondent No.3 has accepted this fact. In the circumstances, multiplier is taken to be 18 instead of 14. However counsel for the respondent No.3 has pointed out that future

prospects of only 40% had to to be given and not 50%. Counsel for the appellants is not in a position to deny this. Consequently, I award future prospects only 40% and not 50%.

Counsel for the insurance company has further pointed out that in this case under the conventional heads Rs. 1,30,000 has been awarded and it could be only Rs.70,000/-. Counsel for the appellant is not in a position to deny this also. In the circumstances, Rs. 60,000/- is ordered to be reduced.

Counsel for the appellants has further pointed out that in the judgment of “*Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others*” in *Civil Appeal No. 9581 of 2018* decided on 18.9.2018, the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the enhanced amount from the date of filing of the claim petition till the date of payment.

The entire enhanced amount be handed over to the appellant No.1.

The appeal stands disposed of with the abovesaid modifications.

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

19.11.2018
anuradha

(AJAY TEWARI)
JUDGE

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