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

1. FAO No.4439 of 2014 (O&M)
Date of Decision: 23.05.2018

RADHA AND ANR .....Appellants
Vs
LILLU@RANJIT AND ORS .....Respondents

2. FAO No.8939 of 2014 (O&M)

LILU @ RANJIT AND ANR ....Appellants
Vs
RADHA AND ORS .....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Nishant Arya, Advocate for
Mr. S.K. Verma, Advocate
for the appellants in FAO No.4439 of 2014 and
for respondents No.1 to 3 in FAO No.8939 of 2014.

Mr. Ram Kumar Saini, Advocate
for the appellants in FAO No.8939 of 2014 and
for respondents No.1 and 2 in FAO No.4439 of 2014.

Mr. Sanjiv Goyal, Advocate
for the respondent/Insurance Company.

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RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order FAO Nos.4439 and 8939 of 2014 are being decided as both the appeals have been preferred against the common award dated 03.03.2014 passed by the Motor Accident Claims Tribunal, Jind (hereinafter to be referred to as 'the Tribunal').

[2]. Grievance of the appellants in FAO No.4439 of 2014 is only to the extent of not granting any benefit of future prospects while assessing dependency of the claimants/appellants.

[3]. In a motor vehicular accident Bharamjit had died. He was 29 years of age at the time of accident. In view of ratio laid down in ***National Insurance Co. Limited vs. Pranay Sethi, 2017 SCC 1270,*** deceased was entitled to increase to the extent of 40% towards future prospects. Income of the deceased was assessed to be Rs.6000/- per month by the Tribunal. If addition to the extent of 40% towards future prospects is made, the income of deceased would come out to be Rs.8400/- per month. Since the deceased was unmarried, therefore, deduction to the tune of 50% is to be made towards his personal expenses. In this way, annual dependency would come out to be Rs.50,400/-. The deceased was 29 years of age at the time of accident. In view of ratio laid down in ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121,*** multiplier of 17 is to be applied.

[4]. In the appeal i.e. FAO No.8939 of 2014 filed by the driver and owner only grievance is to the extent of applying multiplier of 18 instead of 17. Along with the aforesaid appeal, an application for condonation of delay of 81 days in re-filing the appeal has also been filed. For the reasons recorded in the

application, the same is allowed. Delay of 81 days in re-filing the appeal is condoned.

[5]. In view of above, grievance of the appellants in FAO No.8939 of 2014 (driver and owner) would be squarely met, if multiplier of 17 is applied to the annual dependency of the claimants. In this way, total amount of compensation would come to be Rs.8,56,800/- (50,400 x 17). An additional amount of Rs.30,000/- is to be assessed towards conventional heads in view of ***Pranay Sethi's*** case (supra). In this way total amount of compensation would come out to be Rs.8,86,800/- (8,56,800 + 30,000).

[6]. The enhanced amount i.e. Rs.1,58,800/- (8,86,800 - 7,28,000) would carry interest @ 7.5% per annum from the date of filing of the claim petition till final realization of the amount. Since in FAO No.8939 of 2014 cognizance was taken only on the issue of multiplier, therefore, recovery rights in favour of Insurance Company shall remain intact.

[7]. In view of aforesaid modification, both the appeals are accordingly disposed of.

[8]. Since the appeal i.e. FAO No.4439 of 2014 filed by the claimants has been decided by enhancing the compensation to the tune of Rs.1,58,800/- along with interest @ 7.5% per annum

and the appeal filed by driver and owner has been considered only to the extent of applying multiplier of 17 instead of 18, therefore, I deem it appropriate not to direct the appellants in FAO No.8939 of 2014 to pay the amount under Section 173 of the Motor Vehicles Act.

May 23, 2018 **(RAJ MOHAN SINGH)**
Atik **JUDGE**

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