

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 2878 of 2015 (O&M)

Date of Decision: 23.05.2018

Krishna Devi and others

.....Appellants

Versus

Gaja Nand and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Janya Sirohi, Advocate for
Mr. Akshay Jindal, Advocate
for the appellants.

Mr. T.P. Singh, Advocate
for respondents No. 1 and 2.

Mr. Amrinder Singh Sidhu, Advocate
for respondent No.3.

AVNEESH JHINGAN, J.(oral)

The legal heirs of Randhir are in appeal for enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') by Motor Accident Claims Tribunal, Panipat (for short 'the Tribunal') vide award dated 6.12.2014.

The issues raised in the present appeal are that no future prospects have been awarded and only Rs.10,000/- have been awarded for transportation and funeral expenses and nothing has been awarded under other conventional heads.

The contentions raised by the appellants are duly supported by the decision of Supreme Court in **National Insurance Company Limited** **Versus Pranay Sethi and others** 2017 AIR (SC) 5157 where in it has been

held that in case the deceased is in age group of 40 to 50 years and was having a fixed salary, 25% future prospects are to be awarded and the claimants are also entitled to Rs.70,000/- under conventional heads.

The brief facts relevant for the adjudication of the present appeal are that on 16.9.2012 Randhir was crossing GT road when he was struck by a rashly and negligently driven Innova Car bearing registration No.HR01-AE-0011 (for short 'the offending vehicle'). As a result of accident, he sustained grievous injuries. He was taken to General Hospital, Panipat, during treatment he succumbed to injuries. FIR No. 275 dated 16.9.2012 was registered at Police Station Sadar, Panipat.

In the claim petition filed by legal heirs of the deceased, the Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. The age of the deceased was taken as 50 years. The salary was proved as Rs.8000/- per month. The deceased was survived by three dependents and 1/3rd deduction was made for self expenses and by applying multiplier of 13, a sum of Rs.8,42,104/- was awarded as compensation along with interest at the rate of 9% per annum. The amount awarded included Rs.10,000/- for transportation and funeral expenses.

The parties have not disputed the facts of the case. Since the loss of dependency calculated by the Tribunal i.e. Rs.8,32,104/- has not been disputed, 25% future prospects on the said amount are awarded i.e. Rs.2,08,026/-. Since only Rs.10,000/- was awarded under conventional heads, the said amount is enhanced to Rs.70,000/-.

The net result is that the amount awarded by the Tribunal of Rs.8,42,104/- is enhanced by R.2,68,026/-. The appellants would be entitled to enhanced amount alongwith interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

23.05.2018
reema

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No