

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

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**FAO No.545 of 2016 (O&M)
Date of Decision : 25.10.2018**

Smt. Santro Devi and others

..... Appellants

Versus

Rajender and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sandeep Goyat, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 27.08.2015 passed by the Motor Accident Claims Tribunal, Bhiwani granting compensation of Rs.8,79,104/- along with interest @6% per annum in favour of the appellants and against the respondents.

The brief facts of the case are that on 04.01.2014 at about 7.00 AM deceased Ombir was going on his motorcycle bearing R.C. No.HR-48A/3032 to his village Chanana. When he was 200 yards away from village Dariyapur, then Dumper No.RJ-18GA/6479 being driven by respondent No.1 at high speed and in rash and negligent manner hit and run over the deceased and his motorcycle. In this accident, Ombir sustained multiple, grievous injuries on his person and died at the spot.

Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Counsel for the appellants has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 40% had to be awarded on account of future prospects. I find this to be indeed so. It is held that 40% has to be awarded towards future prospects.

Counsel for the appellants has argued that the Tribunal has erred in taking the multiplier from the age of the claimants at 16 rather than from the age of the deceased which would make it 18. He further states that in view of the judgment of the Supreme Court in the matter of *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298* the multiplier of 18 had to be applied instead of 16. Counsel for respondent No.3 is not in a position to deny this also. It is held that multiplier of 18 has to be applied instead of 16.

Further counsel for the appellants states that the Tribunal has awarded only Rs.20,000/- under the conventional heads and in view of the judgment passed in *Sureshchandra Bagmal Doshi & anr. Vs. The New India Assurance Company Limited & ors, 2018(2) RCR (Civil) 841 and Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018*, Rs.50,000/- more has to be awarded under this head. I find this to be indeed so. Consequently, I grant Rs.50,000/- more under conventional heads.

Counsel for the appellants states that interest @6% per annum has been granted in this case. I deem it appropriate to grant interest @10% per annum on the entire compensation from the date of claim petition till realization. Rest of the award shall remain same.

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.

25.10.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

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