

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

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**FAO-8095-2014 (O&M)
Date of Decision : 31.10.2018**

Munesh and others

....Appellants

vs.

Ranvir Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vikas Kumar, Advocate
for the appellants.

Mr. Abhinav Gupta, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 1.4.2014 passed by Motor Accident Claims Tribunal, Palwal awarding compensation of Rs. 4,13,422/- alongwith interest at the rate of 9% per annum on account of death of Vivek alias Vicky in an accident.

Since limited points have been urged on quantum detailed reference to the facts is not required.

Counsel for the claimants asserts that firstly the income of the deceased was taken on the lower side because on that date as per the provisions of the Minimum Wages Act, the minimum wages for an unskilled labourer was Rs. 4,847/- per month. The Tribunal erred in taking the income of the deceased as Rs.4,500/- per month. Counsel for the insurance company is not in a position to deny this. Consequently, I hold

the income of the deceased as Rs. 4,847/- per month as per the provisions of the Minimum Wages Act in Haryana.

Counsel for the respondent No.-3/insurance company points out that deduction has been made at $\frac{1}{3}^{\text{rd}}$ whereas it should be $\frac{1}{2}$ since the deceased was unmarried. I accept this argument. Therefore, deduction has to be $\frac{1}{2}$ instead of $\frac{1}{3}^{\text{rd}}$.

Counsel for the appellants argues that in view of the Constitution Bench judgment of the Supreme Court in the matter of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*** 40% future prospects has to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award 40% future prospects.

Learned counsel for the appellants points out 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 has to be applied. Learned counsel for the insurance company is not in a position to deny this also. Consequently, it is held that multiplier of 18 has to be applied instead of 16.

Counsel for the appellants further has argued that as per the judgment of Pranay Sethi's case (supra) read with the judgment of the Supreme Court passed in the matter of ***Sureshchandra BagmalDoshi and Anr. vs. New India Assurance Company Limited and others*** reported as ***2018 (2) RCR (Civil) 841*** under the conventional heads Rs.70,000/- is to be payable whereas the Tribunal has awarded only Rs.15,000/- under this head. Counsel for the insurance company has very fairly accepted this fact. Consequently, I award Rs. 55,500 /- more under the conventional heads.

Counsel for the claimants points out that after the accident the

deceased was admitted in the hospital for 15 days and the Tribunal has awarded only Rs. 20,000/- for medical expenses and nothing has been awarded on account of transportation, attendant and special diet. Counsel for the insurance company has accepted this fact. Consequently, I award Rs. 15,000/- more under all these heads.

Counsel for the appellant further points 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 entire compensation from the date of filing of the claim petition till the date of payment.

The appeal stands allowed with the abovesaid modifications.

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

31.10.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No