

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

FAO No.5707 of 2016 (O&M)

Date of decision: 14.05.2018

Jaswinder Kaur and others

.... Appellants

Versus

Harwinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Sudesh Sahi, Advocate
for the appellants.

Mr.M.B.Jain, Advocate
for respondent No.3-Insurance Company.

Avneesh Jhingan, J.

The present appeal has been filed against award dated 06.01.2016 passed by Motor Accidents Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as 'the Tribunal').

On 19.01.2015 at about 12.30 p.m., Gurpreet Singh @ Billu, aged 34 years, was going on his scooter bearing registration No.PB-23-A-1390. When he reached near Mahadev Kanda on Gobindgarh Amloh road, the scooter was struck by a rashly and negligently driven truck bearing registration No.PB-11-BN-8517 (for short, 'the offending vehicle'). As a result of the impact, head of Gurpreet Singh @ Billu struck against the offending vehicle. He sustained grievous injuries. On his way to Civil Hospital, Mandi Gobindgarh, he succumbed to injuries. FIR No.6 dated 19.01.2015 was registered at Police Station Mandi Gobindgarh.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by legal heirs of the deceased.

The Tribunal held that accident occurred due to rash and negligent driving of the offending vehicle. The monthly earning of the deceased was assessed as Rs.7,000/-. In consonance with the decision of Supreme Court in case of **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(6) SCC 121**, 1/4th deduction for self expenses was made and multiplier of 16 was applied by the Tribunal. The Tribunal awarded a sum of Rs.11,33,000/- along with interest @ 7% per annum. The amount awarded included Rs.1,25,000/- under the conventional heads.

Learned counsel for the appellants has only one grievance that no future prospects have been added.

Learned counsel for the insurer contended that the amounts awarded under the conventional heads are on the higher side.

The contention raised by learned counsel for the appellants deserves acceptance. In view of the decision of Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi and Ors., 2017 AIR (SC) 5157**, 40% future prospects are to be added.

Since the compensation is being revisited, the amounts under conventional heads are made in consonance with the decision of Supreme Court in **Pranay Sethi 's case (supra)**. The appellants would be entitled to Rs.70,000/- under conventional heads i.e.Rs.15,000/- for funeral expenses, Rs.15,000/- for loss of estate and Rs.40,000/- for loss of consortium.

Since the loss of dependency calculated of Rs. 10,08,000/- is not in dispute, 40% of the said amount is awarded as future prospects i.e. Rs.4,03,200/-. The conventional heads awarded by the Tribunal of Rs.1,25,000/- are restricted to Rs.70,000/-.

The award dated 06.01.2016 is modified to the extent that the amount awarded by the Tribunal of Rs.11,33,000/- is enhanced by Rs.3,48,200/-.

The claimants would be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

14.05.2018
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1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No