

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

FAO No. 5924 of 2016

Date of decision : November 19, 2018

Khubi Ram and others

..... Appellants

v.

Ibrahim and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anil Shukla, Advocate
for the appellants.

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

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation on account of death of Narayan on 13.2.2010 in a road vehicular accident. Since the issue involved is on the quantum, further detailed reference to the facts would not be necessary.

Counsel for the appellants has argued that the Tribunal has erred in applying multiplier of 17. As per the decision of the Supreme Court in Sarla Verma and others vs Delhi Transport Corporation and another, AIR 2009 (SC) 3104, multiplier of 18 should have been applied. I find this to be correct and direct that multiplier of 18 be applied in this case.

Counsel for the appellants has further argued that the Tribunal erred in not granting any future prospects. As per him, in view of the

judgment of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, 40% had to be awarded on account of future prospects. Counsel for the Insurance Company is not in a position to deny this. Consequently, I direct that future prospects of 40% be granted in this case.

Counsel for the appellants has further argued that in view of the latest decision of the Supreme Court in Civil Appeal No.9581 of 2018, Magma General Insurance Company Ltd vs Nanu Ram @ Chuhru Ram and others, decided on 18.9.2018, interest @ 12% pa has to be granted. Counsel for the Insurance Company is not in a position to dispute this also. Consequently, I award interest @ 12% pa on the entire amount from the date of the claim application till the date of payment. The enhanced amount would go to appellant No.2, mother of the deceased. The remaining award shall remain unchanged.

This appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

November 19, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No