

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.5954 of 2016 (O&M)

Date of Decision :13.12.2018

Krishan Lal and another

..... Appellants

Versus

Surinder Sharma and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Rajesh Goyal, Advocate
for the appellants.

Mr. M.B.Jain, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 27.04.2016 passed by the Motor Accident Claims Tribunal, Panchkula granting compensation of Rs.3,00,000/- alongwith interest @ 8% per annum in favour of the appellants and against the respondents.

Since a very limited point has been raised further detailed reference to the facts is not necessary.

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. Counsel for respondent No.3 is not in a position to deny this. I find this to be indeed so and it is held that 40% has to be awarded towards future prospects.

Counsel for the appellants has argued 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. Counsel for respondent No.3 is not in a position to deny this. It is held that multiplier of 18 has to be applied instead of 15.

Further counsel for the appellants has argued that tribunal has awarded a sum of Rs.20,000/- under conventional heads and in view of the judgments passed in ***Pranay Sethi (supra)*** and ***Sureshchandra Bagmal Doshi & anr. Vs. The New India Assurance Company Limited & ors, 2018(2) RCR (Civil) 841***, Rs.40,000/- for love and affection and Rs.30,000/- for funeral expenses and loss of estate had to be awarded. Consequently, I award a sum of Rs.50,000/- more under this head.

Counsel for the appellants states that interest @8% per annum has been awarded whereas in ***Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018 (4) RCR (Civil) 333***, the Supreme Court had awarded interest @12% per annum. In the present case the claim petition was originally decided on 25.11.2011. At that stage, the present appellants did not file any appeal but the owner had filed an appeal against grant of recovery rights. That appeal was allowed and the matter was remanded back and the present impugned award was passed on 27.04.2016 and it is this Award which was challenged by the claimant-appellant. Thus enhanced compensation would carry interest 12% from the date of filing of present appeal till the date of payment.

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.

(AJAY TEWARI)
JUDGE

13.12.2018

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No