IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

244 **FAO-7032-2016 (O&M)**
Date of Decision : 30.7.2018

Rano Devi and others **....Appellants**

vs.

Gulzar and others **....Respondents**

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vipul Dharmani, Advocate for the appellants.

Mr. Puneet Jain, Advocate
for the respondent-insurance company.

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AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 5.2.2016 passed under Motor Accident Claims Tribunal, Rupnagar awarding compensation of Rs. 41,90,200/- alongwith interest at the rate of 6 % per annum on account of death of Sohal Lal in an accident.

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

Counsel for the appellants has argued that in view of the judgment of the Supreme Court in the matter of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009,*** the multiplier of 13 has to be applied instead of 12. I find this to be indeed so. Consequently, it is held that multiplier of 13 has to be applied.

Counsel for the appellants further argues that in view of the Pranay Sethi's case (Supra) 30% future prospect has to be granted instead of 15%. Counsel for the respondent No.3 is not in a position to deny this fact.

Consequently, I award 30% future prospects.

On the other hand, counsel for the insurance company points out that an amount of Rs. 1,15,000/- under conventional heads has been awarded which is against the maximum limits of Rs. 70,000/- which has been prescribed in the judgment relied by counsel for the appellants in Pranay Sethi's case (supra). Therefore, Rs.45,000/- has to be reduced. Ordered accordingly.

Learned counsel for the insurance company has further argued that out of the monthly income a sum of Rs. 2000/- had to be deducted towards income tax. Counsel for the appellant is not in a position to deny this.

In the circumstances, the appeal stands disposed of with the directions that future prospect would be 30% instead of 15%, multiplier would be 13 instead of 12, further a sum of Rs. 45,000/- would be deducted under conventional heads, a sum of Rs. 2,000/- per month would be deducted from the total income on account of income tax.

Learned counsel for the appellants further states that rate of interest at the rate of 6% has been awarded which is very low. I award 7.5% interest on the entire amount from the date of filing of the claim petition till the date of payment.

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

(AJAY TEWARI)
JUDGE

30.7.2018
anuradha

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