IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.8113 of 2015 (O&M)
Date of decision: 25.05.2018

Sarabjit Kaur and another .... Appellants

Versus

Lakhvinder Singh and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Kushagra Mahajan, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.3-Insurance Company.

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Avneesh Jhingan, J.

The present appeal has been filed against award dated 16.05.2015 passed by Motor Accidents Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal').

The issue raised in the present appeal is that the Tribunal while awarding compensation in a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') on account of death of Balwinder Singh has not added the future prospects while calculating the compensation. Amount awarded under conventional heads is on the higher side.

The facts are not disputed by the parties.

Balwinder Singh, aged 30 years lost his life in a motor vehicular accident that took place on 28.12.2013. . The offending vehicle in the said accident was tractor tralla bearing registration No.GJ-14W-1537. FIR No.1/57 dated 28.12.2013 was registered at Police Station Dodha.

The claim petition was filed by the parents of the deceased.

The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. The monthly earning of the deceased was assessed as Rs.5,000/-. ½ deduction for self expenses was made as the deceased was a bachelor. Multiplier of 17 was applied. The Tribunal awarded a sum of Rs.5,50,000/- along with interest @ 6% per annum. The amount awarded included Rs.10,000/- each for loss of estate, loss of love and affection, loss of dependency and funeral expenses.

Learned counsel for the appellants argued that no future prospects have been awarded.

Learned counsel for the insurer of the offending vehicle argued that the amounts awarded under the conventional heads are on the higher side.

The contentions raised by learned counsel for the parties deserve acceptance.

Having due regard to the decision of the Supreme Court in case of ***National Insurance Company Ltd. vs. Pranay Sethi and Ors., 2017 AIR (SC) 5157***, 40% future prospects are to be added. Since there is no dispute for loss of dependency calculated of Rs.5,10,000/-, hence, 40% of the said amount is awarded for future prospects i.e. Rs.2,04,000/-.

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

The net effect is that award dated 16.05.2015 is modified to the extent that the amount awarded by the Tribunal of Rs.5,50,000/- is enhanced by Rs.1,94,000/-.

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 party allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

25.05.2018
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1.Whether the order is speaking/reasoned: Yes/No

2.Whether the order is reportable : Yes/No