

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

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**FAO No.1158 of 2017 (O&M)
Date of Decision : 28.11.2018**

Manjo Devi and another

..... Appellants

Versus

Gurjit Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Sanjeev Goyal, Advocate
for the appellants.

Mr. Garvit Kalra, Advocate for
Mr. Suman Jain, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 12.04.2016 passed by the Motor Accident Claims Tribunal, Sangrur granting compensation of Rs.9,12,500/- along with interest @7.5% 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.

Learned counsel for the appellants has argued that the deceased was 19 years old and states that according to the schedule of minimum wages prescribed at that relevant time the salary of a skilled worker was Rs.7,427/- say Rs.7,500/- per month. Counsel for

respondent No.2 is not in a position to deny this. Consequently the income is taken at Rs.7,500/- per month.

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. I find this to be indeed so. It is held that 40% has to be awarded towards future prospects instead of 30%.

Further counsel for the appellants has argued that tribunal has awarded a sum of Rs.35,000/- under conventional heads and in view of the judgments passed in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*** 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.35,000/- more under this head.

Counsel for the appellants states that interest @7.5% 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 circumstances, the enhanced compensation would carry interest @12% per annum. The entire enhanced amount will go to the mother only.

Remaining part of the award shall remain unchanged.

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.

28.11.2018

pooja sharma-I

(AJAY TEWARI)
JUDGE

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