

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

226

FAO-7618-2016 (O&M)

Date of Decision : 30.08.2018

Sarla Gupta and another

..... Appellants

Versus

Lakhwinder Singh and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Dhonender Sharma, Advocate
for Mr. Vivek Suri, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed for enhancement of compensation and for modifying the award dated 01.08.2016 passed by the Tribunal awarding compensation of Rs.6,38,000/- alongwith interest @ 9% p.a. on account of death of Mukesh Gupta in a motor accident.

Notice of motion.

Since liability of the insurance company is not disputed service upon respondents No.1 and 2 is exempted.

Mr. Sachin Ohri, Advocate has entered appearance on behalf of respondent No.3-insurance company and states that he is ready with arguments.

Since very limited issue has been raised detailed reference to the facts is not required.

Counsel for the appellants has argued that as per the Constitution Bench judgment of the Supreme Court in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* future prospects of 40% has to be granted.

Counsel for the respondent No.3 has very fairly accepted this argument.

Consequently, I grant future prospects of 40%.

Counsel for the appellants has further argued that as per the judgment of Pranay Sethi (supra), the multiplier has to be applied as per the age of the deceased and not as per the age of the mother and therefore the multiplier of 16 has to be applied instead of 11.

Counsel for the respondent No.3 is not in a position to deny this fact.

Consequently, I hold that the multiplier of 16 has to be applied.

Counsel for the respondent No.3 has pointed out that under the conventional heads a sum of Rs.1,10,000/- has been awarded and as per the judgment of Pranay Sethi (supra), it could not be more than Rs.30,000/-.

Counsel for the appellants is not in a position to deny this fact.

Consequently, I reduce an amount of Rs.80,000/- under the conventional heads.

Counsel for the respondent No.3 has further pointed out that interest @ 9% is too excessive.

In my opinion, the interest @ 9% p.a. may be suitable at the relevant time but in present time it is too excessive. Consequently, I hold that the enhanced amount shall be given alongwith interest @ 7.5% p.a.

from the date of filing of claim petition till the date of payment. I further

direct that the entire enhanced amount shall be given to the appellant No.1.

The rest of the award shall remain unchanged.

Appeal stands disposed of and the award is modified accordingly.

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

August 30, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No