

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

243

**FAO No.7873 of 2016 (O&M)
Date of Decision : 21.11.2018**

Smt. Sumitra and another

..... Appellants

Versus

Vijay Kumar and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Manjeet Kaur, Advocate for
Mr. Pankaj Mehta, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 31.05.2016 passed by the Motor Accident Claims Tribunal, Hisar granting compensation of Rs.7,44,000/- 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.

Counsel for the appellants has argued that the multiplier has been awarded as per the age of the parents, whereas it should have been awarded from the age of the deceased. He further states 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 instead of 11. Counsel for respondent No.2 is not in a position to deny this also. It is held that multiplier of 18 has to be applied instead of 11.

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.

Counsel for respondent No.2 has argued that under the conventional heads a sum of Rs.1,50,000/- has been awarded whereas it should be only Rs.70,000/- 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***. I find this to be correct. Consequently, Rs.80,000/- is reduced under the conventional heads.

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., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018***, the Supreme Court had awarded interest @12% per annum. In the circumstances, the entire compensation would carry interest @12% per annum.

The entire enhanced amount shall be handed over the the mother-appellant No.1.

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.

21.11.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

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