

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

FAO No.1498 of 2016 (O&M)
Date of Decision : 13.12.2018

Shiv Kumar Verma and others

..... Appellants

Versus

Nachhattar Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Chandandeep Singh, Advocate
for the appellants.

Ms. Amarjeet Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 24.09.2015 passed by the Motor Accident Claims Tribunal, Ludhiana granting compensation of Rs.6,19,000/- along with interest @6% per annum for the death of Vishal Verma in an accident which took place on 07.06.2014.

Since a very limited point has been raised further detailed reference to the facts is not necessary. Counsel for the appellants-claimants 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. Learned Deputy Advocate General is not in a position to deny this. It is held that 40% has to be awarded towards future prospects.

Counsel for the appellants-claimants 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 17 had to be applied instead of 9. Learned Deputy Advocate General is not in a position to deny this also. It is held that multiplier of 17 has to be applied instead of 9.

Further counsel for the appellants-claimants has argued that tribunal has awarded a sum of Rs.25,000/- under conventional heads and 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***, 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.45,000/- more under this head.

Counsel for the appellants-claimants states that interest @6% 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 entire compensation would carry interest @12% from the date of filing of claim petition till the date of payment. The entire enhanced amount will go to appellant No.2-mother only.

Appeal is allowed in the above terms and the award is modified accordingly. Rest of the award shall remain unchanged.

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

13.12.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

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