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

Sr. No.219

FAO-2338-2001 (O&M)
Date of decision: 11.03.2019

Fakir Chand and another ....Appellants

versus

Sukhwinder Singh and others ....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Saurabh Bhardwaj, Advocate for
Mr. P.S. Rana, Advocate
for the appellants.

Mr. A.S. Gill, Advocate
for respondent No.1.

Mr. Pardeep Goyal, Advocate
for respondent No.3-Insurance Company.

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DEEPAK SIBAL, J. (Oral)

Through the present appeal, the appellants/claimants seek enhancement in the compensation awarded to them by the Motor Accident Claims Tribunal, Kurukshetra (for short – the Tribunal).

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 30.11.1997, Manju Bala, the unmarried daughter of the claimants, was going from Dau Majra to Shahabad in a three wheeler. When she reached in the area of village Jainpur on the G.T. Road, a truck bearing registration No. DIG-4454 (for short – the offending vehicle) struck the three wheeler resulting in its turning turtle and the death of Manju Bala. The appellants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988. The Tribunal after concluding that the accident which resulted in the death of Manju Bala was caused due to the offending vehicle being driven in a rash and negligent manner, went on to assess the payable compensation, the enhancement of which is sought through the instant appeal.

Learned counsel for the appellants submits that since the deceased Manju Bala, at the time of her death was 22 years of age, the Tribunal has wrongly applied the multiplier of 06 to her assessed income as according to the law laid by the Hon'ble Apex Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another**, **(2009)6 SCC 121**, multiplier of 18 was required to be applied. He further submits that as per law laid down by the Hon'ble Apex Court in **National Insurance Company Limited vs. Pranay Sethi and others** – **(2017) 16 SCC** 680, the appellants are also entitled to the grant of future prospects on the assessed income of the deceased @ 40% and also to the grant of Rs.15000/- each under the conventional heads of “loss of estate” and “funeral expenses”.

In view of the law laid down by the Hon'ble Apex Court in the afore-referred cases, learned counsel for the respondent-Insurance Company very fairly admits to the above submissions made by learned counsel for the appellants.

In view of the consensus between the parties as also the law laid down by the Hon'ble Apex Court in **Smt. Sarla Verma's case (supra**) and **Pranay Sethi's case (supra)**, the impugned award is modified only to the extent that on the assessed income of the deceased a multiplier of 18 instead of 06 be applied. The appellants are further held entitled to the grant of future prospects @ 40% on the deceased's assessed income as also to Rs.15000/- each under the conventional heads of "loss of estate" and "funeral expenses".

No other point was urged.

On the enhanced amount, the appellants are also held entitled to the grant of interest @ 6.5% per annum from the date of filing of the claim petition by them before the Tribunal till the date of its realization.

The appeal is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

March 11, 2019
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No