

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-6941-CII-2019 in/and
FAO-2152-2012 (O&M)
Date of Decision : 1.11.2019

Gurdev Kaur and another

.....Appellants

Versus

Ram Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Siddharth Gupta, Advocate
for the applicant-appellant.

Mr. Pardeep Goyal, Advocate
for the non-applicants-respondent No.3.

AJAY TEWARI, J. (Oral)

CM-6941-CII-2019

This is an application for fixing the actual date of hearing in
the main case.

For the reasons recorded in the application, the same is
allowed the case is taken up for final hearing today itself.

Main case

This appeal has been filed against the award dated 23.1.2012
passed by Motor Accident Claims Tribunal, Amabala City awarding
compensation of Rs. 3,02,728/- alongwith interest @ 7.5% per annum
on account of death of deceased-Gurjeet in a motor accident.

Since limited points have been urged detailed reference to the
facts is not required.

Counsel for the claimants-appellants firstly has argued that in

view of the Constitution Bench judgment of the Supreme Court in the

matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* 40% future prospects has to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award 40% future prospects.

Second argument raised by the learned counsel for the appellants is 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 has to be applied instead of 11. Learned counsel for the insurance company is not in a position to deny this also. Consequently, it is held that multiplier of 18 has to be applied.

The next argument raised by the counsel for the appellants is that as per Pranay Sethi's case (supra) under the conventional heads Rs.64,000/- more had to be granted whereas the Tribunal had awarded only Rs. 5728/-. Counsel for the insurance company has very fairly accepted this fact. Consequently, I award Rs.64,000/-more under the conventional heads. The enhanced amount would carry interest @ 7.5% p.a. from the date of filing of the claim petition till the realization. Rest of the Award shall remain unchanged.

The appeal stands disposed of with the abovesaid modifications.

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

(AJAY TEWARI)
JUDGE

1.11.2019
anuradha

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