

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 215

FAO-1409-2014

Date of decision : 23.05.2019

Harbans Kaur and another

..... Appellants

VERSUS

Gurmit Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jai Bhagwan, Advocate, for the appellants.

 Mr. D. K. Prajapati, Advocate, for respondent No. 3.

DEEPAK SIBAL, J. (ORAL)

The present appeal has been filed by the appellants/claimants seeking therein enhancement in the compensation granted to them by the Motor Accident Claims Tribunal, Sangrur (for short, the Tribunal) through its award dated 11.10.2013.

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 20.11.2010 Rachhpal Singh (since deceased) and Tarsem Singh were going on their respective motorcycles from Malerkotla to village Sanghala. When they reached near Jhandu Workshop on Malerkotla-Dhuri road, a tanker bearing Registration No. PIC-8757 (for short, the offending vehicle) being driven by respondent No. 2 struck Rachhpal's motorcycle, as a result of which he died at the spot. The appellants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal which after concluding that the offending vehicle was being driven in a rash and negligent manner, assessed the compensation payable to them, the enhancement of which is sought through the present appeal.

Learned counsel for the appellants submits that since the deceased was 28 years of age, the Tribunal erred in applying multiplier of 11 to his assessed income as according to him multiplier of 17 should have been applied.

He further submits that "future prospects" @ 40% were required to be added to

the deceased's assessed income and that ₹30,000/- under the conventional heads instead of Rs.10,000/-, as granted by the Tribunal, should have also been granted. Transportation charges for transporting the deceased's dead body from the site of the accident to his village are also claimed.

Learned counsel for respondent No. 3-Insurance Company justifies the amount of compensation assessed and awarded by the Tribunal.

As per the law laid down by the Hon'ble Supreme Court in “*National Insurance Company Limited vs. Pranay Sethi and others*” (2017)16 SCC 680, the appellants are held entitled to the addition of “future prospects” @ 40% to the deceased's assessed income and since the deceased was a bachelor they are also held entitled to an amount of ₹30,000/- instead of ₹10,000/- as granted by the Tribunal under the conventional heads.

Admittedly, the deceased was 28 years of age. Therefore, in view of the law laid down by the Hon'ble Apex Court in “*Sarla Verma and others vs. Delhi Transport Corporation and another*” (2009) 6 SCC 121, multiplier of 17 instead of 11 is directed to be applied to his assessed income.

The appellants are also held entitled to ₹3,000/- as transportation charges.

No other point was urged.

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

The appeal is allowed in the above terms.

23.05.2019
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[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No