

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

Sr. No.212

FAO-5537-2014 (O&M)

Date of decision: 22.05.2019

Murti Devi and another

....Appellants

versus

Shambir and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Harish Bhardwaj, Advocate for
Mr. Abhinav Kalia, Advocate, for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.2-Insurance Company.

* * *

DEEPAK SIBAL, J. (Oral)

The present appeal has been preferred by the claimants seeking therein enhancement in the compensation awarded to them by the Motor Accident Claims Tribunal, Ludhiana (for short – the Tribunal).

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 11.02.2013 as a result of a motor vehicular accident caused by a motorcycle bearing registration No.HR-42B-7119 (for short – the offending vehicle), Sachin suffered grievous injuries to which he succumbed on 16.02.2013. 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 the appellants by the respondent-Insurance Company, the enhancement of which is sought through the present appeal.

Learned counsel for the appellants submitted that since the deceased was 23 years of age, the Tribunal should have applied the

multiplier of 18 to the assessed income of the deceased and not 9 as applied by it. He further submitted that while assessing the total compensation future prospects @ 40% should have also been added by the Tribunal to the assessed income of the deceased and since the deceased was a bachelor, under the conventional heads, Rs.30,000/- ought to have been granted to the appellants instead of Rs.25,000/- as granted through the impugned award.

Learned counsel for the respondent-Insurance Company justifies the compensation so granted through the impugned award.

In view of the 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 held entitled to the addition of future prospects @ 40% to the assessed income of the deceased as also to a cumulative sum of Rs.30,000/- under the conventional heads instead of Rs.25,000/- as granted by the Tribunal.

Admittedly, the deceased was 23 years of age and therefore, to the assessed income of the deceased, after adding the future prospects as above, a multiplier of 18 instead of 9 should be applied and it is so ordered.

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 its realization.

The appeal is allowed in the above terms.

May 22, 2019
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No