IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.225

FAO-9817-2014 (O&M)
Date of decision: 14.05.2019

Kiranjit Kaur and another ....Appellants

versus

Gurtej Singh @ Mandeep Singh and others ....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Y.P. Khullar, Advocate
for the appellant.

Mr. Abhinav Singla, Advocate for
Mr. Sanjeev Goyal, Advocate
for respondent No.3-Insurance Company.

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DEEPAK SIBAL, J. (Oral)

The present appeal has been preferred by the claimants seeking therein enhancement in the compensation awarded to them through award dated 29.11.2013 passed 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 14.11.2011 Rachhpal Singh alongwith his brother Amritpal Singh was going on a motorcycle bearing registration No.PB-10BP-3098 from Raikot to their village Kalsian. The motorcycle was being driven by Rachhpal Singh and Amritpal Singh was the pillion rider. When they reached near Satluj Grameen Bank, Bhaini Varinga, a tanker bearing registration No.PB-11-V-2755 (for short – the offending vehicle) struck against their motorcycle, as a result of which, Amritpal Singh died at the spot whereas Rachhpal Singh received serious injuries. On the death of Amritpal Singh, 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.

Relying on the judgment of the Hon'ble Apex Court in **National Insurance Company Limited vs. Pranay Sethi and others** – **(2017) 16 SCC 680**, learned counsel for the appellants submitted that the appellants are entitled to be granted compensation after adding future prospects @ 40% to the assessed income of the deceased and that since the deceased was aged 20 years multiplier of 18 should have been applied to his assessed income instead of 14 as has been applied by the Tribunal in the impugned award.

Learned counsel appearing on behalf of the respondent-Insurance Company does not dispute the above. However, he submits that since the deceased was a bachelor, as per *Pranay Sethi's case* (supra) under the conventional heads instead of Rs.85,000/- only Rs.30,000/- should have been awarded to the appellants.

After considering the above submissions and the law laid down by the Hon'ble Apex Court in *Pranay Sethi's case* (supra), the impugned award is modified as under:-

(i) The appellants are held entitled to the grant of compensation after adding future prospects @ 40% to the assessed income of the deceased.

(ii) Multiplier of 18 is directed to be applied to the assessed income of the deceased instead of 14 as has been applied by the Tribunal in the impugned award.

(iii) and under the conventional heads, the amount of Rs.85,000/- is directed to be reduced to Rs.30,000/-.

No other point was urged.

On the compensation that would be enhanced through the present order, the appellants are also held entitled to 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

May 14, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No