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

\*\*\*\*

**FAO No.4994 of 2017 (O&M)  
Date of Decision : 08.05.2019**

Harish

Appellant

Versus

Ramesh and others

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Sunny Tyagi, Advocate for  
Mr. Yashveer Kharb, Advocate  
for the appellant.

Ms. Vandanaa Malhotra, Advocate  
for the respondent-Insurance Company.

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**AVNEESH JHINGAN, J (Oral)**

The award dated 23.12.2016 passed by the Motor Accident Claims Tribunal, Panipat [for brevity 'the Tribunal'] has been assailed by father of Sangeeta (deceased) seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The driver, owner and insurer (i.e. IFFCO TOKIO General Insurance Company Ltd.) of Tractor bearing registration No. HR-08J-0146 [hereinafter referred to as 'offending vehicle'] have been arrayed as respondents No.1 to 3 respectively in the appeal.

The factum of accident has not been disputed by the parties. A motor vehicular accident took place on 10.07.2014.

The accident proved fatal for Sangeeta, aged 28 years. The accident was result of rash and negligent driving of the offending vehicle. FIR No.487, dated 10.07.2014 was registered at Police Station Model Town, Panipat.

The only issue raised in the appeal is that no future prospects have been awarded.

In the claim petition, it was pleaded that the deceased was teacher and was earning ₹20,000/- per month. The claimants failed to prove occupation and earning of the deceased. The Tribunal assessed monthly income of the deceased as ₹5,600/- treating her to be an unskilled labourer; ½ deduction for self-expenses was made as she was bachelor and multiplier of '17' was applied in consonance with the decision of the Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another (2009) 6 SCC 21.**

The Tribunal awarded compensation of ₹6,06,200/- alongwith interest @ 7.5% per annum. The amount awarded included ₹30,000/- under the conventional heads and ₹5,000/- for litigation expenses. The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay the compensation.

Learned counsel for the appellant contends that no future prospects have been awarded by the Tribunal while awarding the compensation.

Learned counsel for the Insurer could not raise any

serious objection in view of decisions of the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others AIR 2017 SC 5157** and **Hem Raj Vs. Oriental Insurance Company Ltd. 2018 (2) PLR 480.**

The contention raised by learned counsel for the appellant deserves acceptance. In consonance with the decision of the Supreme Court in **Pranay Sethi's case** (supra), 40% future prospects are awarded as the deceased was below 40 years old and fell in the category of self-employed or having fixed wages.

As there is no challenge to the loss of dependency i.e. ₹5,71,200/- calculated by the Tribunal, 40% of the said amount i.e. ₹2,28,480/- is awarded towards future prospects.

The award dated 23.12.2016 is modified to the extent that amount of ₹6,06,200/- awarded by the Tribunal is enhanced by ₹2,28,480/-.

The claimant shall be entitled to the enhanced amount alongwith interest @ 7.5 per annum from the date of filing of the claim petition till realization of the amount.

The appeal is allowed in the aforesaid terms.

[AVNEESH JHINGAN]  
JUDGE

**May 08, 2019**

*pankaj baweja*

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|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable         | : | No  |