

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

FAO No.2934 of 2012

Date of Decision : 28.07.2022

Alka Kumari Singh and others

....Appellant

Versus

Ajay Kumar and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sarvjit S. Khurana, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.2/Insurance Company.

PANKAJ JAIN, J.

Claimants are in appeal seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal').

2. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') by the Legal Heirs of the deceased namely Sanjeev Kumar, who died in a motor-vehicular accident dated 2nd September, 2010.

3. As per the claim petition, on the fateful day the deceased namely Sanjeev Kumar had started from Bawal to Rewari on his motorcycle No.DL-8S-NC-4549. He was driving the said motor-cycle at a normal speed on his correct left side of the road. The offending motor-cycle bearing registration No.HR-36J/1328 which was being driven by

respondent No.1 in a rash and negligent manner came from the side of Rewari by coming on wrong side of the road and hit motor-cycle of the deceased. Deceased died on the spot. FIR No.313 dated 3rd September, 2010 was registered against respondent No.1 under Sections 279/304A IPC.

4. I have heard Ld. Counsel for the parties and with their able assistance have gone through the records of the case.

5. Scope of the instant appeal is confined to the compensation awarded by the Tribunal i.e. Issue No.2.

6. Deceased was 28 years old at the time of accident. There is no dispute w.r.t. his income which has been assessed @ Rs.15,000/- per month. Deduction of 1/3rd has been rightly applied. However, nothing has been granted on account of future prospects. Thus, the appellants are entitled for grant of 40% of the monthly income as future prospects. Multiplier of 17 has been rightly applied. Nothing has been paid under the conventional heads. Keeping in view law laid down by the Supreme Court in 'National Insurance Company Limited vs. Pranay Sethi and others', 2017 (16) SCC 680, the appellants No.1, 2 and 4 are held entitled for an amount of Rs.44,000/- each, on account of loss of consortium. Further, amount of Rs.33,000/- is granted for funeral expenses and Loss of Estate collectively.

7. As a sequel of the aforesaid discussion, the present appeal is

allowed. The Award passed by the Tribunal stands modified to the extent as stated herein above. The claimants are held entitled to the compensation as per the modified award along with interest to be calculated @ 9% per annum from the date of filing of the claim petition till its actual realization.

8. Needless to say that any amount already paid to the claimants/appellants shall be set off.

9. Ordered accordingly.

July 28, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No