

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

**FAO No.3695 of 2012
Date of Decision :14.07.2022**

Amrit Devi and others

....Appellants

Versus

Jagtar Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : None for the appellants.

Mr. Rajesh K. Sharma, Advocate
for respondent No.4/Insurance Company.

PANKAJ JAIN, J.

Claimants are in appeal seeking modification of the Award passed by the Motor Accident Claims Tribunal, Ropar in the claim petition preferred under Section 166 of the Motor Vehicles Act, 1988.

2. The claimants are seeking enhancement of compensation awarded to them on account of death of Anil Kumar Dubey who died in a motor-vehicular accident on 16th September, 2011.

3. As per claim petition, on the fateful day while deceased Anil Kumar Dubey was coming from Una towards village Baddi on his motor cycle, a bus bearing registration No.HR-45-A-8471 came from the opposite side driven in a rash and negligent manner. It struck the motor cycle of Anil Kumar Dubey. He was admitted to the Civil Hospital at Anandpur Sahib, where he succumbed to the injuries suffered in the accident.

4. On the basis of the pleadings of the parties, following issues were framed by the Tribunal :-

- “1. Whether the accident took place due to rash and negligent driving of respondent Jagtar Singh ? OPP*
- 2. Whether the claimants are entitled to compensation as prayed for ? OPP.*
- 3. Whether driver is not having valid driving licence, RC, permit and fitness certificate ? OPR.*
- 4. Whether the claim petition is not maintainable ? OPR.*
- 5. Relief.”*

5. I have heard Ld. Counsel for the parties and have gone through the records of the case.

6. The facts are not in dispute. Scope of present appeal is confined to Issue No.2.

7. There is no dispute w.r.t. the income of the deceased as assessed by the Tribunal. The same needs no modification. The Tribunal erred in applying the multiplier @ 11 which needs to be enhanced to that of 17 as per the law laid down by the Supreme Court in **‘National Insurance Company Limited vs. Pranay Sethi and others’, (2017) 16 SCC 680.**

Keeping in view the fact that the deceased was 30 years of age, 40% needs to be added on account of future prospects. The Tribunal further erred in granting meager compensation of Rs.2,000/- under each conventional head of Loss of Estate, funeral expenses and loss of consortium. The claimants are held to be entitled for Rs.15,000/- for Loss of Estate and Rs.15,000/- as

funeral expenses. Appellant Nos.1 and 2 are also entitled for Rs.44,000/- each on account of loss of consortium.

8. Counsel for respondent No.4/Insurance Company is not in position to dispute the aforesaid entitlement of the claimants as per the law laid down in **Pranay Sethi's case** (supra).

9. As a sequel of the aforesaid discussion, the present appeal is allowed. The Award stands modified to the extent as stated herein above.

10. The total compensation be calculated accordingly and paid to the claimants/appellants.

11. Needless to say that any amount already paid to the claimants shall be set off.

12. Ordered accordingly.

July 14, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No