

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

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FAO-425-1991 (O&M)

Date of decision : 17.11.2023

Ratti Lal Shah

.....Appellant

Versus

Hari Ram and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellant

Mr.Suvir Dewan, Advocate for respondent No.3

Mr.Anil Kumar Gahlawat, Advocate for respondent No.5.

AMAN CHAUDHARY, J.

1. Claimant-appellant has been filed the present appeal seeking enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Faridabad (for short 'the Tribunal') vide award dated 19.12.1990, on account of death of her son Bharat Kumar Shah in a motor vehicular accident.

2. This is a reconstructed case, as the original file was burnt in the fire that broke out in the concerned branch. Since the case is pending for the last more than 32 years, the counsel for the respondents have no objection, if the same is decided on basis of the available record.

3. In the grounds of appeal, it has been stated that the deceased, 35 years old at the relevant time, was working as a broker with a firm under name and style of P.Krishna Kumar and Company Kharibawali, Delhi. The multiplier of 14 as applied by the Tribunal is incorrect. The compensation granted is on the lower side and nothing has even been awarded towards future prospects of increase in income, loss of love and affection and funeral expenses.

4. On the other hand, the learned opposite counsel have opposed the present appeal and state that just and reasonable compensation has already been awarded to the appellant. Thus, they pray for the dismissal of the present appeal.

5. Heard the learned State counsel and perused the record.

6. There is no dispute with regard to the death of the deceased- Bharat Kumar Shah, occurred in a vehicular accident. As far as the liability to pay the compensation is concerned, no challenge to the same has been made and thus, does not require further consideration. Apparently, in the accident that took place on 23.10.1988, the deceased suffered multiple severe injuries and remained hospitalized till 30.10.1988. With regard to the enhancement of the compensation, this Court can rightly fall back on the law laid down in **Sarla Verma and others vs. Delhi Transport Corporation and another**, 2009(3) RCR (Civil) 77, reiterated in **National Insurance Company Limited vs. Pranay Sethi and others** 2017(4) RCR (Civil) 1009 and also in **Janabai vs. ICICI Lambord Insurance Co. Ltd.**, (2022) 10 SCC 512 and accordingly the appellant can be held entitled to grant of future prospects to the extent of 40%, the deceased being self employed and also for compensation under the conventional heads i.e. funeral expenses Rs.15,000/-; loss of estate Rs.15,000/-; loss of love and affection to claimant/parent Rs.40,000/- and for pain and suffering, attendant charges etc. during the deceased remained hospitalised Rs.50,000/-. Further, the deceased being 35 years of age, the multiplier of 16 would be applicable.

7. As a corollary, the total compensation comes to Rs.3,88,800/- (1500+40% (towards future prospectus)- 1/3rd (deduction towards personal expenses) x 12 x 16 (multiplier), + Rs.1,20,000/- (conventional heads). Thus, the enhanced compensation of Rs.2,17,600/-, over and above the amount of Rs.1,71,200/- already awarded, alongwith interest at the rate of 7.5% per annum

from the date of filing of the present appeal, till its realization shall be paid to the claimant-appellant by the respondents, as ordered by the Tribunal, within a period of 2 months from the date of receipt of a certified copy of this judgment. Failing which, the amount shall accrue an interest as awarded by the Tribunal.

8. Modifying the award to the aforesaid extent, the present appeal is disposed of.

9. Registry is directed to send a copy of the order to the concerned Tribunal for necessary compliance.

17.11.2023
gsv/M.kamra

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No