

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

FAO No. 6216 of 2011

DATE OF DECISION : 30.10.2017

Roshni and others

.... APPELLANTS

Versus

Bhupender Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Jagbir Malik, Advocate,
for the appellants.

Mr. Ashwani Talwar and Ms. Priyadeep, Advocates,
for respondent No.3-Insurance Company.

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AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 03.08.2010 passed by the Motor Accident Claims Tribunal, Hisar (for short 'the Tribunal').

Joginder Singh, aged 38 years, lost his life in a motor vehicular accident, which occurred on 15.12.2008, when his motor cycle bearing registration No. HR-26-AD-D-2061 was hit by Innova car bearing registration No. DL-8CL-2660.

The widow, four minor children and father of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988.

After considering the evidence and hearing learned counsel for the parties, the Tribunal awarded compensation of ₹ 9,47,612/- along with

interest at the rate of 6% per annum.

The present appeal has been filed by the claimants for enhancement of compensation.

I have heard learned counsel for the parties and perused the paper book.

The only issue raised by learned counsel for the appellants is that the deceased was 38 years of age at the time of the accident and the Tribunal has wrongly applied the multiplier of 9 instead of 15. He further contends that the deceased was a Government employee and no amount on account of future prospects has been awarded to the claimants. He submits that the amount awarded under the conventional heads is very meager.

Learned counsel for respondent No.3 – Insurance Company vehemently defended the award and resisted any enhancement. However, he could not raise any serious objection to the enhancement of compensation, in view of the authoritative pronouncement of the Hon'ble Apex Court in **Sarla Verma Vs. Delhi Transport Corporation, (2009) 6 SCC 121.**

In view of the above, the case is remitted back to the Tribunal to assess the compensation to be awarded in accordance with the aforesaid decision of the Hon'ble Apex Court.

The parties are directed to appear before the Tribunal on December 22, 2017.

Appeal is disposed of accordingly.

October 30, 2017
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes/No