

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5602 of 2011 (O&M)

Date of Decision:13.12.2017.

Darshana and another

.....Appellants

Versus

Kashmiri Lal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. K.S. Malik, (I), Advocate
for the appellants.

Mr. Ajay Singh Rawat, Advocate for
Mr. Puneet Sharma, Advocate
for respondent No.3.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 20.8.2010 passed by the Motor Accidents Claims Tribunal, Rohtak (for short 'the Tribunal').

Jagdish aged 60 years lost his life in a motor vehicular accident that occurred on 14.7.2009. In the said accident, the offending vehicle was Car bearing registration No.DDU-6998. In the claim petition filed by legal heirs of deceased, under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), the Tribunal awarded a sum of Rs.6,55,000/- alongwith interest at the rate of 7.5.% per annum. The amount included Rs.7000/- for funeral expenses.

The two issues raised in the appeal regarding awarding of future prospects and the amount to be awarded under conventional heads are squarely covered by the decision of Hon'ble the Apex Court in **National Insurance Company Limited Versus Pranay Sethi and others Special**

The facts have not been disputed by either of the parties i.e. involvement of offending vehicle, rash and negligent driving of the offending vehicle and loss of dependency calculated by the Tribunal.

As per the decision of Hon'ble the Apex Court in **Pranay Sethi's case (supra)**, deceased was 60 years of age and hence he was entitled to 10% future prospects. With regard to conventional heads, an amount of Rs.70,000/- i.e. Rs.15,000/- for loss of estate, Rs.40,000/- for loss of consortium and Rs.15,000/- for funeral expenses, should have been awarded.

As loss of dependency has not been disputed by either of the parties, 10% of the amount calculated i.e. Rs.64,800/- is awarded as future prospects and an amount of Rs.70,000/- is awarded under conventional heads.

No other issue has been raised in the present appeal.

The award dated 20.8.2010 is modified to the extent that the amount awarded of Rs. 6,55,000/- is enhanced to Rs.7,82,800/-. The claimants shall be entitled to enhanced amount alongwith interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the above said terms.

13.12.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No