

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

**FAO No.4298 of 2014 (O&M)
Date of Decision: 15.11.2017**

Reesha Sharma and others ...Appellant(s)

Versus

Ankur Pal and others ...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Akash Sridhar, Advocate for
Mr. Ashwani Talwar, Advocate
for the appellant(s).

Mr. R.K. Bashamboo, Advocate
for respondent No.3.

ANITA CHAUDHRY, J.

This is the claimants appeal seeking enhancement in the award dated 13.12.2013 passed by the Motor Accident Claims Tribunal, Ambala.

Anuj Kumar Sharma died in a motor vehicular accident on 10.06.2011. He was working with Life Insurance Corporation Limited and was getting a salary of Rs.15,000/-. The Tribunal had assessed the compensation after making a deduction of 1/3rd and applying the multiplier of 14. Besides this a separate amount for funeral expenses, loss of consortium and loss of love and affection, the claimants were also awarded Rs.90,000/- i.e. the amount spent on the treatment and award of Rs.18 lacs was passed.

The submission on behalf of the appellants is that there should have been addition of 30% in the future prospects as the deceased was 42 years of age and he was working for the Life

Insurance Corporation, in view of the latest judgment of the Apex Court in '**National Insurance Company Ltd. Vs. Pranay Sethi and others (SLP (Civil) No.25590 of 2014)**' decided on 31.10.2017.

The submission on the other hand is that the amount on the miscellaneous heads would be as per the latest judgment.

Since the issue regarding addition of future prospects has been decided, an addition towards future prospects shall be made. The deceased was working with Life Insurance Corporation, considering his age the addition would be 30% and the income would be Rs.19,500/-. After making a deduction of 1/3rd the amount available for the family would be Rs.14,000/- and the compensation would be Rs.14,000x12x14 and the compensation would come to Rs.23,52,000/-. To this a sum of Rs.15,000/- should be added for loss of estate, Rs.40,000/- for loss of consortium and Rs.15,000/- for funeral expenses. The total of this comes to Rs.24,22,000/-. To this a sum of Rs.90,000/- should be added which were the medical expenses. The total amount, therefore, payable was Rs.25,12,000/-. The Tribunal had allowed Rs.18 lacs which would be deducted and the balance amount would be payable with interest @6% from the date of filing of the appeal.

The appeal is partly allowed.

November 15, 2017

ps-l

Whether Reasoned/Speaking

Whether Reportable

**(ANITA CHAUDHRY)
JUDGE**

Yes/No

Yes/No