

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

**FAO No.9353 of 2014 (O&M)
Date of Decision: 11.12.2017**

Renu and others

...Appellant(s)

Versus

Harnek Singh and others

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vikram Bali, Advocate
for the appellants.

Mr. Chetan Kapoor, Advocate for
Mr. Rakesh Gupta, Advocate
for respondent No.1.

Mr. M.B. Jain, Advocate
for respondent No.3-Insurance Company.

ANITA CHAUDHRY, J.

CM-25910-CII-2014

The instant application has been filed under Section 5 of Limitation Act for condonation of delay of 100 days in filing the appeal.

In view of the reasons mentioned in the application, delay of 100 days in filing the appeal is condoned.

Application stands disposed of.

FAO No.9353 of 2014

This is the claimants appeal seeking enhancement in the award dated 07.02.2014 passed by the Motor Accident Claims Tribunal, Panchkula.

Counsel for the appellants submits that the Tribunal had failed to award any amount for loss of estate and in view of the latest judgment, the amount be accordingly enhanced.

The counsel appearing for respondent No.3-Insurance Company urges that though the Insurance Company had not filed any appeal but the appellants had got future income @ 30% which according to '**National Insurance Company Ltd. Vs. Pranay Sethi and others (SLP (Civil) No.25590 of 2014)**' should have been 25% and the claimants would not be entitled to any amount even on the loss of estate as they have already got a higher compensation.

If we take the income assessed by the Tribunal and make an addition of 25% as per '**National Insurance Company Ltd. Vs. Pranay Sethi and others (SLP (Civil) No.25590 of 2014)**' and apply the multiplier, the amount of compensation could be over Rs.9,14,004/- and on addition of Rs.70,000/- for loss of estate, funeral expenses and for loss of consortium, the miscellaneous heads, the compensation would have been a little over Rs.9,84,004/-. The Tribunal has already allowed an amount over Rs.10,75,000/-. No further increase can be allowed.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

December 11, 2017
ps-l

Whether Reasoned/Speaking
Whether Reportable

Yes/No
Yes/No