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FAO No. 666 of 1991 (O&M)

Ranjit Kaur and others

vs.

Pritpal Singh and others

Present: Mr. Avtar Singh Syan, Advocate for the appellants

Mr. Paul Singh Saini, Advocate with
Ms. Vandana Kamra, Manager &
Ms. Manju Gupta, Dy. Manager for
New India Assurance Co. Ltd.

* * * *

The present appeal is by Ranjit Kaur (widow), two children and the mother Kesar Kaur against the award of ₹ 1,15,200/-, passed by MACT, Patiala dated 19.3.1991 seeking enhancement of compensation on account of the death of Jodh Singh, aged 30 years, foreman/dairy-agricultural farmer in a motor vehicular accident that had taken place on 5.7.1989.

Learned counsel for the appellants contends that on account of future prospects of 40% in view of the judgment of the Hon'ble Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi dated 31.10.2017 in SLP(C) No.025590 of 2014*, and consortium etc. as per the judgment of Hon'ble Supreme Court in *Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram and ors. Dated 18.9.2018 in Civil Appeal No. 9581 of 2018*, and on application of multiplier of 17 instead of 16 (applied by the MACT) that deduction of 1/4th instead of 1/3rd, the enhancement though comes to more than ₹ 2,00,000/-, but the appellants would be satisfied if another sum of ₹ 1,80,000/- more, over and above, the amount already awarded by the MACT concerned, is granted to the appellants in full and final satisfaction of the claim in the present appeal and in that eventuality the appellants would give up their claim regarding interest on the enhanced amount from the date of filing of the petition before the MACT which is 2.8.1989 i.e. for more

than 29 years.

To us, this offer seems to be just, reasonable and equitable in the facts and circumstances of the case.

Learned counsel/representatives of the respondent-Insurance Company have agreed to this proposal of learned counsel for the appellants and have signed to that effect.

As agreed, as per statements of the representatives of the Insurance Company and counsel for the appellants, (separately recorded today), a sum of ₹ 1,80,000/- (Rs.One Lakh Eighty Thousand Only) more, over and above the amount awarded by the Tribunal is allowed to the appellants, in full and final settlement of the claim in this appeal. As per the statement of learned counsel for the appellants the enhanced amount would be paid to appellant No.1-Ranjit Kaur.

We dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque in the sum of ₹ 1,80,000/- in the name of appellant No.1-Ranjit Kaur wd/o Sh. Jodh Singh with the office of the Lok Adalat of the High Court on or before 20.12.2018 failing which the amount will carry 9% interest p.a. from the date of this order till the cheque is deposited with the office of the Lok Adalat. The appellants' counsel/appellant may collect the cheque from the office of the Lok Adalat.

Copy of the order/statement be supplied/sent to the counsel/parties and file be returned to the High Court.

(J. C. Verma)
President

(Arvind Kumar)
Member

15.11.2018