

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

**203-A**

**FAO-2414-1996 (O&M)**

**Date of Decision : 12.11.2018**

Smt. Reetu Goel and others

..... Appellants

Versus

Yash Pal Singh Malik and others

.... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present: Mr. Jitender Nara, Advocate  
and Mr. C.B. Goel, Advocate  
for the appellants.

Mr. Suvir Dewan, Advocate  
for the respondent No.3-insurance company.

**\*\*\***

**AJAY TEWARI, J. (ORAL)**

This appeal has been filed for enhancement of compensation and for modifying the award dated 21.05.1996 on account of death of Parveen Kumar Goel in a motor vehicular accident.

Since very limited issue of quantum of compensation has been raised in this appeal further detailed reference to the facts is not required.

Counsel for the appellant has argued that deduction could not have been 1/3<sup>rd</sup> but should have been 1/4<sup>th</sup> because there were four claimants i.e. widow, two minor children and old mother. Counsel for the insurance company has very fairly accepted this fact. Consequently, the deduction is

taken at 1/4<sup>th</sup> .

Counsel for the appellants has further argued that nothing has been awarded under the conventional heads. Counsel for the insurance company has accepted this fact. Consequently, in view of the judgments of the Supreme Court passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009 and Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018, decided on 18.09.2018*, I award an amount of Rs.30,000/- to the claimants towards loss of estate and funeral expenses and an amount of Rs.40,000/- to the widow towards loss of consortium and Rs.40,000/- each towards filial consortium to the two minor children and the mother.

Counsel for the appellant has further argued that as per the judgment of the Supreme Court in Pranay Sethi's case (supra) future prospects of 40% has to be added. Counsel for the respondent No.3 has very fairly accepted this argument. Consequently, I direct that future prospects of 40% be added.

Counsel for the appellant has further argued that the interest @ 7% is on the lower side as per the judgment of the Supreme Court in Magma General Insurance Company Ltd.'s case (supra). I find this to be indeed so. Consequently, I direct that the entire compensation amount be given alongwith interest @ 12% p.a. from the date of filing of the claim petition till the date of realization. Apart from the individual share, 50% of the enhanced amount would go to the share of the widow, 20% each would go to the share of the two children and 10% would go to the share of the mother.

The appeal stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

( AJAY TEWARI )  
JUDGE

November 12, 2018

*ashish*

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No