

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

FAO No. 2851 of 2011 (O&M)
Date of decision : October 15, 2018

Saranjeet Kaur and another

..... Appellants

v.

Randhir Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gaurav Gupta, Advocate
for the appellants.

Mr. Atul Gaur, Advocate
for respondents No.1 and 2.

Mr. Vinod Gupta, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

C.M No.9317-CII of 2011

This is an application for condonation of delay of 122 days in filing the appeal. No reply has been filed. For the reasons recorded, this application is allowed and delay is condoned. It is, however, clarified that the appellants would not be entitled to interest for the said period, in case the compensation is enhanced.

FAO No.2850 of 2011

This appeal has been filed for enhancement of compensation on account of death of Satinder Pal Singh.

Brief facts are that on 13.02.2008, Jaspal Singh along with Brij Mohan, Kamal, Satinderpal etc was coming to Sirsa in the car after attending a marriage at Panipat and when they reached near bus stand at Jajjanwala, the offending truck, being driven rashly and negligently, struck against the car and as a result of this accident, Jaspal Singh, Satinder Pal Singh and Brij Mohan sustained injuries and eventually Jaspal Singh and Satinder Pal Singh succumbed to their injuries. Legal heirs of deceased Jaspal Singh and Satinder Pal Singh filed separate claim petitions.

The Tribunal held the driver of the offending vehicle responsible for causing the accident. As regards the death of Satinder Pal Singh, the Tribunal assessed his monthly income as ₹ 3600/- and after applying the multiplier of 18, total compensation came to be ₹ 5,31,400/- including ₹ 5,000/- for funeral expenses, ₹ 5,000/- on account of consortium and ₹ 3,000/- for loss of estate.

Counsel for the appellants has argued that the Tribunal erred in not granting future prospects. As per him, in view of the judgment of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, 40% had to be awarded on account of future prospects. Counsel for the Insurance Company is not in a position to deny this. Consequently, I direct that future prospects of 40% be granted in this case.

Counsel for the appellants has further argued that under conventional heads, only a sum of ₹ 13,000/- has been awarded. As per him, in Civil Appeal No.9581 of 2018, Magma General Insurance Company Ltd vs Nanu Ram @ Chuhru Ram and others, decided on 18.9.2018, the Supreme Court, after discussing Pranay Sethi and others'

case (supra) has awarded a sum of ₹ 40,000/- each to the father and unmarried sister of an unmarried deceased boy on the ground of loss of filial consortium. On this score, the total compensation under conventional heads in the present case, would have been ₹ 1,10,000/-, whereas only ₹ 13,000/- have been awarded. Consequently, I award ₹ 97,000/- more under conventional heads.

Counsel for the appellants has further argued that in view of the decision of the Supreme Court in Magma General Insurance Company Ltd' case (supra), interest @ 12% pa has to be granted. Counsel for the Insurance Company is not in a position to dispute this. Consequently, I award interest @ 12% pa on the entire amount from the date of the claim application till the date of payment. However, the appellants would not be entitled for interest for the period this appeal was delayed. There would be no change in the remaining Award. This appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

October 15, 2018
'kk'

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No