

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 137 of 2013 (O&M)

Date of Decision: 02.02.2018

Smt. Amila and others

.....Appellants

Versus

Aas Mohammad and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. M.S. Randhawa, Advocate
for the appellants.

Mr. Lalit Kumar, Advocate for
Mr. Ashwani Talwar, Advocate
for Insurance Company.

AVNEESH JHINGAN, J.(oral)

The present appeal is against the award dated 10.03.2012 passed by the Motor Accidents Claims Tribunal, Narnaul (for short 'the Tribunal').

On 24.10.2009 there was a motor vehicular accident involving Alto Maruti Car bearing registration No.HR-99-9191 and Dumper truck bearing registration No. HR-55-H-1296. The accident occurred near Jainpur crossing. Vehicles were coming from opposite directions. As a result of the accident, Jagdish Prasad driver of the Car and Nihal Singh passenger in the said Car lost their lives.

The claim petition was filed by the legal heirs of Jagdish Prasad under Sections 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

The Tribunal awarded compensation of Rs.14,60,000/-.

The parties have not raised any dispute regarding age of the

deceased; salary of the deceased; deduction made for self expenses and multiplier applied.

I have heard learned counsel for the parties, perused the paper book and the record.

Learned counsel for the appellants contended that no future prospects have been awarded and the amount of Rs. 5000/- each awarded for funeral expenses and loss of estate and Rs.10,000/- for loss of consortium, are on the lower side.

The contentions raised by learned counsel for the appellants deserve acceptance in view of the authoritative decision of Hon'ble the Apex Court in case of **National Insurance Company Limited Versus Pranay Sethi and others Special Leave Petition (Civil) No. 25590 of 2014 decided on 31.10.2017.**

In the above referred decision, Hon'ble the Apex Court has held that where the deceased is below 40 years of age and having fixed salary or self employed, 40% future prospects are to be awarded. It has further been held that Rs.70,000/- is to be awarded under conventional heads i.e. Rs.15,000/- for loss of estate, Rs.40,000/- for loss of consortium and Rs.15,000/- for funeral expenses. Since there is no dispute on dependency calculated by the Tribunal, 40% future prospects of Rs.14,40,000/- are awarded i.e. Rs. 5,76,000/-. The amounts awarded under conventional heads are enhanced to Rs.70,000/-.

The award dated 10.03.2012 is modified to the extent that the amount awarded of Rs. 14,60,000/- is enhanced by Rs.6,26,000/-.

The claimants shall be entitled to enhanced amount alongwith interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the above said terms.

02.02.2018

reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No