

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

FAO No. 1484 of 2013 (O&M) &
Cross Objection No. 201-CII of 2015

DATE OF DECISION : 19.01.2018

Reliance General Insurance Company Limited

.... APPELLANT

Versus

Jassan and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. R.M. Suri, Advocate, for the appellant.

Mr. Vinod K. Kanwal, Advocate, for
Mr. Ashit Malik, Advocate, for respondents No.1 and 2.

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AVNEESH JHINGAN, J. (Oral)

The award dated 08.01.2013 passed by the Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal') in MACT Petition No. 27 of 2011 is under challenge by way of filing of the appeal by the Insurance Company and Cross Objection by the claimants.

On 13.02.2011, there was a motor vehicular accident involving motor cycle bearing registration No. HR-07J-5141. The said motor cycle was being driven by Salinder Kumar, aged 30 years. His wife Sonia, aged 23 years was the pillion rider. The motor cycle was struck by a rashly and negligently driven truck bearing registration No. HR-55-2522 (for short, 'the offending vehicle'). As a result of the accident, Salinder Kumar and

Sonia lost their lives. Sonia succumbed to her injuries at the spot and Salinder Kumar died on way to CHC Shahabd. FIR No. 36 dated 13.02.2011 was registered at Police Station Shahabad.

The unfortunate minor son and his grand-parents filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

The Tribunal awarded a sum of ₹ 14,32,600/- along with interest at the rate of 6% per annum.

The Insurance Company has filed the present appeal being aggrieved of adding of 100% future prospects to the earning of the deceased. The claimants have filed cross objection for enhancement of compensation raising the plea that the amount awarded for loss of estate is on lower side.

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

There is no dispute raised by the parties with regard to involvement of the offending vehicle, rash and negligent driving of the offending vehicle, age of the deceased, earning of the deceased, multiplier applied and the deduction made for self expenses. It has not been disputed that the deceased was having fixed salary.

The issues raised by the parties are duly supported by a decision of the Hon'ble Apex Court in **National Insurance Company Limited Vs. Pranay Sethi and others, Special Leave Petition (Civil) No. 25590 of 2014, decided on 31.10.2017.**

It has been held that in case, the deceased is below 40 years of age and was having fixed salary, 40% future prospects are to be awarded. It has further been held that a sum of ₹ 15,000/- is to be awarded for funeral expenses and another sum of ₹ 15,000/- for loss of estate.

In view of the decision of the Hon'ble Apex Court in **Pranay Sethi's case** (supra) and the aforesaid discussion, the compensation is re-calculated as under :-

Annual earning	5,175 X 12	₹ 62,100/-
Future prospects @ 40%		₹ 24,840/-
Total		₹ 86,940/-
1/3 rd deduction for self expenses		₹ 28,980/-
Annual dependency		₹ 57,960/-
By applying multiplier of 17		₹ 9,85,320/-
Funeral expenses and transportation		₹ 15,000/-
Loss of estate		₹ 15,000/-
Total		₹ 10,15,320/-

The award dated 08.01.2013 passed in MACT No. 27 of 2011 is modified to the extent that the compensation of ₹ 14,32,600/- awarded by the Tribunal is reduced to ₹ 10,15,320/-.

The appeal and cross objection are partly allowed in the aforesaid terms.

January 19, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

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