

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 220

FAO-1757-2013 (O&M)

Date of decision : 26.09.2018

Smt. Sashi and others

..... Appellants

VERSUS

Hari Om and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abhimanyu Singh, Advocate, for the appellants.

Ms. Neha Sharma, Advocate, for
Mr. V. Ramswaroop, Advocate, for respondent No. 2.

Mr. Pradeep Kumar, Advocate, for respondent No. 3.

DEEPAK SIBAL, J. (ORAL)

Through the present appeal instituted by the claimants enhancement in the compensation awarded through the award dated 24.05.2012, passed by the Motor Accident Claims Tribunal, Palwal (for short, the Tribunal) is sought.

Learned counsel for the appellants/claimants submits that in view of the recent pronouncement by a Constitution Bench of the Hon'ble Supreme Court in "*National Insurance Company Limited vs. Pranay Sethi and others*" (2017) 16 SCC 680, the appellants are entitled to the grant of "future prospects" @ 40% and also to compensation under the conventional heads "loss of consortium", "loss of estate" and "funeral expenses" @ ₹70,000/- and not ₹40,000/- as granted by the Tribunal.

Learned counsel for respondent No. 3-Insurance Company very fairly states that in view of the law laid down by the Hon'ble Supreme Court in *Pranay Sethi's* case (supra) the afore claims made by the appellants deserve acceptance.

In view of the above consensus arrived at between the parties as also in view of the law laid down by the Hon'ble Supreme Court in *Pranay Sethi's* case (supra), the impugned award is modified to the extent that the appellants are now held entitled to the grant of “future prospects” @ 40% on the assessed income of the deceased as also to a cumulative sum of ₹70,000/- instead of ₹40,000/- under the conventional heads “loss of consortium”, “loss of estate” and “funeral expenses”. On the enhanced amount, the appellants are also held entitled to interest @ 6.5% per annum from the date of filing of the claim petition till its realization.

No other point was urged.

The appeal is allowed in the above terms.

26.09.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No