

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

221 **Date of Decision : 26.11.2018**

1. **FAO No.10266 of 2014 (O&M)**

Jaspal Singh and others

..... Appellants

Versus

Baldev Singh and others

..... Respondents

2. **FAO No.4682 of 2013 (O&M)**

New India Assurance Company Limited

..... Appellant

Versus

Jaspal Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Arjun Atri, Advocate
for the appellants (FAO-10266-2014)
for respondents No.1 to 4 (FAO-4682-2013).

Mr. Paul S.Saini, Advocate
for the appellant (FAO-4682-2013)
for respondent No.3 (FAO-10266-2014).

Dr. Sushil Gautam, D.A.G., Haryana
for respondent No.2 (FAO-10266-2014)
for respondent No.6 (FAO-4682-2013).

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned two appeals.

These are two appeals, one filed by the claimants and one by

the insurance company. Since a very limited point has been raised further detailed reference to the facts is not necessary.

As regards the claimants, it is prayed that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* future prospects of 40% be granted and further under the conventional heads only an amount of Rs.30,000/- has been awarded. I deem it appropriate to award 40% future prospects and a sum of Rs.40,000/- each to appellants No.2 and 3 (unmarried sisters) as filial consortium in view of the latest judgment of the Supreme Court passed in *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018 (4) RCR (Civil) 333*. Consequently, I award a sum of Rs.80,000/- more under this head.

Learned counsel for the insurance company however, points out that the deduction had to be 50% since the deceased was a bachelor. I find merit in this also and order deduction at 50%.

Counsel for the claimants in FAO No.10266-2014 states that interest @8% per annum has been granted in this case. I deem it appropriate to grant interest @12% per annum on the enhanced compensation from the date of filing of claim petition till the date of payment in view of the judgment passed in *Magma General Insurance Company Ltd., (supra)*

Apart from the individual amounts, the entire amount shall go to appellant No.1. Rest of the award shall remain the same.

With the modification both the appeals are disposed of.

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

26.11.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No