

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

315

FAO-3358-2013(O&M)

Date of Decision : 16.11.2018

Indu Bala and others

..... Appellant

Versus

Mahi Lal Sah and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Anuj Balian Advocate
for the appellant.

Mr. Ashwani Talwar, Advocate
for respondent No.3.

AJAY TEWARI, J. (ORAL)

This appeal has been filed for enhancement of compensation and for modifying the award dated 28.02.2013 awarding compensation of Rs.59,28,032/- along with interest @ 7.5% p.a. on account of death of Ashish Kumar Attar in a motor vehicular accident which took place on 29.12.2010.

Learned counsel for the appellant has argued that as per the case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009**, instead of 30%, 40% had to be awarded on account of future prospects. The argument is accepted. Learned counsel further states that only an amount of Rs. 20,000/- has been paid under conventional heads whereas there was one old mother, widow and two minor children of the deceased. As per as per the judgments of the Supreme

Court in ***Pranay sethi's case***(supra) and ***Magma General Insurance***

Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018(4) RCR(Civil)

333 the appellants were entitled to a sum of Rs. 1,60,000/- for loss of consortium/filial consortium and a sum of Rs. 30,000/- for loss of estate and funeral expenses. In the circumstances I award a sum of Rs. 1,70,000/-more under these heads.

Apart from the individual amount the entire enhanced amount shall be disbursed to appellants No. 1, 2 and 3 equally. The enhanced amount shall carry interest at the rate of 12% from the date of date of filing of the claim petition till the date of payment in view of the judgment of the Supreme Court in ***Magma General Insurance Company Ltd.'s case*** (supra).

The appeal stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

November 16, 2018
sunita

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No