

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

225

**CM-6578-CII-2015 in/and
FAO-2135-2015 (O&M)
Date of Decision : 6.7.2018**

Kirmala @ Kiran and others

..... Appellants

Versus

Sanjeev Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Vikram Bali, Advocate
for the appellant(s).

Mr. Dhrinder Chopra, Advocate
for the respondent No.1.

Mr. Sanjeev Kodan, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

CM-6578-CII-2015

This application has been filed for the condonation of delay of 338 days in filing the appeal.

For the reasons recorded, the application is allowed and the delay of 338 days is condoned subject to the condition that in the event of enhancement the applicants-appellants would not be entitled to any interest for the period of delay.

Main Case

This appeal has been filed against the award dated 6.12.2013 passed under Motor Accident Claims Tribunal awarding compensation of Rs. 17,24,800/- alongwith interest at the rate of 7.5% per annum on

account of death of Rajbir in an accident.

The only issue raised by the counsel for the claimants is regarding future prospects and conventional heads. Since the liability of the insurance company is not disputed further detailed reference to the facts is not required.

Counsel for the appellants states that as per the Constitution Bench judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* once it was proved that deceased was 32 years old future prospect have to be 40% and the compensation under conventional heads has to be Rs.70,000/- instead of Rs. 40,000/-. The rate of interest on increased amount would remain same as awarded by the Tribunal.

Learned counsel for the insurance company is not in a position to deny these facts.

Consequently, the appeal stands allowed in the above terms.

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

6.7.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No