

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229-A

FAO-2144-2015 (O&M)
Date of Decision : 8.10.2018

Saroj Bala and others

....Appellants

vs.

Chander Pal Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. J.P.Jangu, Advocate
for the appellant.

Mr. Satpal Dhamija, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 31.7.2014 passed by Motor Accident Claims Tribunal, Gurgaon awarding compensation of Rs. 9,35,000/- alongwith interest at the rate of 7.5% per annum on account of death of Madan Lal in an accident.

Since limited points have been urged detailed reference to the facts is not required.

Counsel for the appellants has stated that in view of 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* 25% future prospects has to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award 25% future prospects.

Counsel for the appellants states that the Tribunal had awarded Rs.1,25,000/- under the conventional heads to all the four claimants. Apart from wife, filial consortium should be awarded to at least appellant No.3-minor daughter and appellant No.4-mother of the deceased. If that is done Rs. 25,000/- more would have to be granted. Learned counsel for the insurance company is not in a position to deny this fact. Consequently, I award Rs. 25,000/- more.

Counsel for the appellant has further pointed out that in the judgment of “*Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others*” in *Civil Appeal No. 9581 of 2018* decided on 18.9.2018 the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the entire compensation from the date of filing of the claim petition till the date of payment.

Apart from the individual amounts the rest of the enhancement would be in the same proportionate that is awarded by the Tribunal.

The appeal stands disposed of with the abovesaid modifications.

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

8.10.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No