

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

FAO No.4864 of 2014(O&M)

Date of decision: 25.1.2018

New India Assurance Company Ltd.Appellant

VERSUS

Rabina and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Vandana Malhotra, Advocate for the appellant.

None for respondents No.7 and 8.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 23.04.2014 passed by the Motor Accidents Claims Tribunal, Palwal (in short 'the Tribunal') whereby compensation has been awarded on account of death of Majlish Khan in a motor vehicular accident that took place on 01.05.2012.

The Tribunal has awarded compensation to the tune of Rs.12,45,000/- detailed hereunder:-

Monthly income of the deceased	Rs.5000/-
Increase in income for future prospects	50%
Deduction for personal expenses	1/4 th
Multiplier	18
Loss of dependency	Rs.12,15,000/- (Rs.67500 x 18)
Loss of consortium	Rs.10,000/-

Loss of estate	Rs.10,000/-
----------------	-------------

Expenses on last rites and transportation	Rs.10,000/-
---	-------------

Counsel for the appellant-Insurance Company would inform that the appeal has been preferred only qua quantum of compensation assessed by the Tribunal. It is argued that the Tribunal has wrongly allowed benefit of increase in income for future prospects at the rate of 50% as against 40% admissible in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.**

The award was passed by the Tribunal before decision by Hon'ble the Supreme Court in **Pranay Sethi and others case** (supra). Claimants shall be entitled to benefit of increase in income for future prospects at the rate of 40%. In this manner, loss of dependency comes to Rs.11,34,000/- [Rs.10,80,000/- (Rs.5000 x 12 x 18) + Rs. 4,32,000/- (40% future prospects) – Rs.3,78,000/- (1/4th deduction towards personal expenses).

However, the claimants shall be entitled to following compensation under conventional heads in the light of latest judgment of Hon'ble the Supreme Court in **Pranay Sethi and others case (supra)**:-

Loss of consortium to the widow	Rs.40,000/-
---------------------------------	-------------

Funeral expenses	Rs.15,000/-
------------------	-------------

Loss of estate	Rs.15,000/-
----------------	-------------

In view of the above, total compensation comes to Rs.12,04,000/-. The compensation awarded by the Tribunal Rs.12,45,000/- is marginally higher than compensation assessed by this Court. In the circumstances, in view of the legislative intent behind provisions providing

for compensation, it is expedient that the award passed by the Tribunal is kept intact.

The appeal is disposed of accordingly.

JANUARY 25, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no