

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

FAO No. 4203 of 2015 (O&M)

Date of decision : September 12, 2018

Kamla Devi and others

..... Appellants

v.

Manoj Kumar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ajit Kumar Sharma, Advocate
for Mr. RD Yadav, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation.

Brief facts are that on 11.4.2013 at about 12.30 pm, when the deceased was going towards Bagh near village Ladhuwas by crossing the road, the offending car being driven rashly and negligently struck against the deceased, and as a result of this accident, the deceased received fatal injuries and died on the way to the hospital.

The Tribunal held the driver of the offending vehicle responsible for causing the accident. Income of the deceased was fixed as ₹6900/- per month and after applying multiplier of 13, total compensation assessed was ₹ 10,16,120/- including ₹ 1 lakh towards loss of consortium, ₹ 10,000/- for loss of estate, ₹ 10,000/- for last rites and transportation, and ₹35,000/- for loss of love and affection.

Counsel for the appellants has argued that the Tribunal has

erred in not awarding anything towards future prospects. In view of the decision in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, future prospects of 25% should be awarded. Counsel for respondent No.3 is not in a position to dispute this. Consequently, I award future prospects of 25% in this case.

Counsel for the Insurance Company, however, points out that in view of the decision in the case of Pranay Sethi and others (supra), a sum of ₹ 85,000/- awarded under the conventional heads has to be reduced. Counsel for the appellants accepts this. Consequently, I order that the said amount be reduced from the total compensation.

Counsel for the appellants has further argued that the rate of interest viz 7% awarded by the Tribunal is on lower side. Counsel for the Insurance Company does not dispute this also. Consequently, I order that the entire compensation amount would carry the rate of interest @ 7.5% from the date of application till the date of payment. I further direct that out of the enhanced compensation amount, appellants No.2, 3, 4 and 9 would not be entitled to any amount. However, appellants No.5, 6, 7 and 8 would be entitled to 10% each and 60% would go to appellant No.1. There will be no change in the remaining Award.

With this modification in the Award, this appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

September 12, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No

