

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

**FAO-4575-2015(O & M)
Date of decision : 10.12.2018**

Soma Mattu and others

..... Appellants

versus

Abdul Majeed and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.V.P.Singh, Advocate for the appellants.

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

DEEPAK SIBAL, J. (ORAL)

Through the present appeal, the appellants/claimants seek enhancement in the compensation awarded by the Motor Accident Claims Tribunal, Pathankot (for short 'the Tribunal').

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 18.09.2010 at about 9.15 p.m. when Samuel Mattu was going on foot on the G.T. Road and reached near Ishwar Dhaba, Sujanpur, Tehsil Pathankot, a truck bearing registration No. JK-02-V-7892 (for short 'the offending vehicle') which was being driven by respondent No.1 hit him as a result of which he sustained serious injuries to which he succumbed to in Civil Hospital, Pathankot. A FIR under Sections 279 and 304-A IPC was lodged against respondent No.1 at Police Station, Sujanpur. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was also filed in which, upon notice,

respondent-insurance company appeared and filed its written statement through which they denied the accident and further denied the insurance company's liability on the ground that at the time of the accident the driver of the offending vehicle was not holding a legal and valid driving licence. The earning capacity of the deceased as also all other claims made by the appellants in their claim petition were disputed. After sifting the evidence which had been led by the parties, the Tribunal concluded that the deceased had died on account of the injuries received by him in the accident caused by the rash and negligent driving of respondent No.1. Thereafter compensation was assessed in which enhancement is sought through the present appeal.

Learned counsel for the appellants submitted that in view of the recent pronouncement of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi - (2017)16 SCC 680**, while assessing compensation, the Tribunal was required to add to the income of the deceased "future prospects" at the rate of 25% and that under the conventional heads instead of Rs. 20,000/- the appellants should have been awarded Rs. 70,000/-.

Mr. Sanjeev Kodan , Advocate, who appeared on behalf of the insurance company, fairly submitted that in view of Pranay Sethi's case (supra), the above claim made by the appellants deserves to be granted.

In view of the above, the impugned award is modified only to the extent that the appellants are held entitled to compensation on the assessed income of the deceased after adding to it "future prospects" at the rate of 25% as also an amount of Rs. 70,000/- under the conventional heads instead of Rs. 20,000/-. To the enhanced compensation the appellants are also entitled to interest at the rate of 6.5% p.a. from the date of filing of the

claim petition till its realisation.

No other point was urged.

The appeal stands allowed in the above terms.

No costs.

(DEEPAK SIBAL)
JUDGE

10.12.2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No