

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

FAO-6176-2014

Date of Decision:22.02.2018

Geeta Devi and others

.....Appellants

Versus

Yashbir and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Sansar Kundu, Advocate,
for the appellants.**

**Mr. Sandeep K. Sharma, Advocate,
for respondent Nos.1 and 2.**

**Mr. Suvir Dewan, Advocate,
for respondent No.3-Insurance Company.

HARI PAL VERMA, J.(Oral)

Appellants-claimants have filed the present appeal for enhancement of compensation over and above the compensation awarded by the learned Motor Accident Claims Tribunal, Jind (for short “the Tribunal”) vide award dated 03.03.2014.

Power of attorney filed on behalf of respondent Nos.1 and 2 and memo of appearance filed on behalf of respondent No.3-Insurance Company are also taken on record.

Briefly stated on 04.01.2013, Rakesh (deceased) had gone in the area of Gandhi Camp in connection with search of work. One person, namely, Ramphal made a telephonic call to the son of Rakesh (deceased) that his father had suffered injuries in an accident and asked him to reach near ITI, Park immediately. He further disclosed to him about the offending

bus bearing registration No.HR-46-M-1836, which has caused the accident

and its driver, who ran away from the place of occurrence. On this information, Aashish son of Rakesh (deceased) reached at the place of accident and found his father in injured conditions. Blood was oozing from his mouth, ear and nose. After arranging a vehicle, he shifted his father in PGIMS, Rohtak, where he succumbed to his injuries on 05.01.2013. An FIR No.3 dated 05.01.2013 under Section 279, 337 and 304-A was registered in Police Station, Civil Lines, Rohtak.

In a claim-petition filed under Section 166 of the Motor Vehicles Act, the Tribunal has awarded a total compensation of ₹8,70,000/- to the claimants on account of death of Rakesh.

Learned counsel for the appellants has argued that deceased-Rakesh was 45 years of age and as held by the Hon'ble Apex Court in case **National Insurance Company Limited Versus Pranay Sethi and others, 2017 (4) R.C.R (Civil) 1009**, the claimants are entitled an addition of 25% under the head of future prospects.

On the other hand, learned counsel for respondent No.3-Insurance Company has argued that adequate compensation has already been awarded by the Tribunal and there is no scope for any further modification/enhancement and the amount granted under the conventional heads is required to be modified in view of the law laid down by the Hon'ble Apex Court in **Pranay Sethi's case(supra)**.

I have heard the learned counsel for the parties.

The accident and liability are not in dispute. What is in dispute is the quantum of compensation as awarded by the Tribunal. In view of the law laid down by the Hon'ble Supreme Court in **Pranay Sethi's case (supra)**, this Court finds that the claimants are entitled for addition of

compensation for future prospects @ 25%. Similarly, the amount awarded under the conventional heads also deserves modification.

Accordingly, the compensation to which the claimants are entitled is reassessed in the following manner:-

Monthly income	:	₹6,000/-
Future prospects (25%)	:	₹1,500/-
Total monthly income	:	₹ 7,500/-
Annual income	:	₹90,000/-
Deductions (1/3 rd)	:	₹60,000/-
Total loss of dependency (₹60,000 x 14)	:	₹8,40,000/-
Loss of estate	:	₹15,000/-
Funeral expenses	:	₹15,000/-
Loss of consortium	:	₹40,000/-

Total amount of compensation :	₹9,10,000/-
Amount already awarded :	₹8,70,000/-

Enhanced amount : ₹40,000/-

Accordingly, with the aforesaid modification, the claimants shall get an increase of ₹40,000/-over and above the amount already granted by the Tribunal. However, the enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim-petition till its realization.

With the aforesaid modification in the award, the present appeal stands disposed of.

February 22, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No