

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

213

FAO-6249-2014

Date of Decision : 10.7.2018

Poonam and others

..... Appellants

Versus

Rakesh Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sumit Sangwan , Advocate
for the appellants.

Mr. Sachin Bhardwaj, Advocate
for respondents No.1 and 2.

Mr. Shivan, Advocate for
Ms. Manjari Nehru Kaul, Advocate for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the Award dated 10.3.2014 passed by Motor Accident Claims Tribunal, Bhiwani awarding an amount of Rs.8,15,600/- with interest at the rate of 6% per annum. Since a very limited point has been urged the detailed reference to the facts is not required.

The first issue raised by the counsel for the appellants is that as per 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* under the conventional heads Rs.50,000/- more had to be granted.

Counsel for the insurance company has very fairly accepted this fact.

The second issue raised by counsel for the appellants is that in view of the judgment in Pranay Sethi and others' case (supra), 40% had to be added to the income as future prospects. Counsel for the insurance company has accepted this also.

Resultantly, this appeal stands disposed of with the modification in the Award that Rs.50,000/- more is granted under the conventional heads and future prospect of 40% had to be added to the income of the deceased. The apportionment, interest and management would be as per the direction of the Tribunal.

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

10.7.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No