

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-3714-2016 (O&M)
Date of Decision : 16.11.2018

Vijay Lakshmi and others

....Appellants

vs.

Nanhey Sagar and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ashok Khubher, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 16.03.2013 passed by Motor Accident Claims Tribunal, S.A.S.Nagar, Mohali awarding compensation of Rs. 35,16,250/- alongwith interest at the rate of 6% per annum on account of death of Naresh Kumar in a motor accident.

Since limited points have been urged detailed reference to the facts is not required.

Counsel for the appellants has argued that in view of 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* 40% future prospects has to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I

award 40% future prospects.

Second argument raised by learned counsel for the appellants is that under the conventional heads only Rs. 40,000/- has been awarded where actually the appellant No.1-widow was entitled to consortium of Rs.40,000/- and appellants No.2 and 3-minor children and appellant No.4-mother of the deceased were entitled to Rs.40,000/- each under the head of filial consortium. Apart from that they were entitled to Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award Rs. 40,000/- to each of the appellants No.1 to 4 under the head of consortium/filial consortium, and Rs. 15,000/- for funeral expenses and Rs. 15,000/- for loss of estate. The amount already paid under the conventional heads would be deducted from this amount.

Counsel for the appellant has further pointed out that in the judgment of “*Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others*” in *Civil Appeal No. 9581 of 2018* decided on 18.9.2018, the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the enhanced amount from the date of filing of the claim petition till the date of payment.

It is made clear that apart from the individual share, the entire compensation would be shared between appellants No. 1, 2 and 3 equally. The share of the minors be put in a fixed deposit till they attain the age of the majority.

Resultantly, this appeal stands disposed of with the abovesaid

modifications.

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

16.11.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No