

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

233

**FAO-4880-2015 (O&M)
Date of Decision :17.7.2018**

Geeta Devi and others

..... Appellants

Versus

Daljit Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Rishav Jain, Advocate
for the appellant(s).

Mr. Parveen Sharma, Advocate for
Mr. Pankaj Bali, Advocate
for respondent No.1

Mr. Lalit Garg, Advocate
for respondent No3.-National Insurance Company.

Mr. V.K.Garg, Advocate
for respondent No.5-Oriental Insurance Company.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the Award dated 26.11.2014 passed by the Motor Accident Claims Tribunal, Ludhiana awarding an amount of Rs. 16,47,342/- on account of death of Sanjeev Kumar @ Soni.

Counsel for the appellants argues 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 prospect 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.

On the other hand counsel for respondent No.3 however states that under the conventional heads an amount of Rs. 1,65,000/- has been awarded which is against the maximum limits of Rs. 70,000/- which has been prescribed in Pranay Sethi's case. Therefore, Rs.95,000/- has to be reduced. Counsel for the appellant is not a position to deny this fact. Resultantly, I reduce Rs.95,000/- under the conventional heads. Ordered accordingly.

I further notice that the Tribunal has awarded 6% interest rate. I deem it appropriate to award 7.5% interest not only on increased amount but also on the entire compensation amount.

The appeal stands disposed with the abovesaid modifications. The apportionment 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.

17.7.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No