

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

FAO No. 393 of 2016

Date of decision : August 29, 2018

Baby and others

..... Appellants

v.

Jasbir Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. RS Mamli, Advocate
for the appellant/s.

Mr. Vinod Gupta, Advocate
for the respondent-Insurance Company.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation.

Brief facts are that on 8.7.2014, five persons were going on a motor cycle being driven by Harpal Singh, since deceased, and at about 2 pm when they reached near village Chahron on Jagadhri-Bilaspur road, the offending car being driven by respondent No.1 rashly and negligently, dashed against the motor cycle and as a result of which, all the motor cyclists fell on the ground and received multiple injuries. Harpal Singh succumbed to his injuries on 9.7.2014. Hence, the claim petition was filed by the claimants on account of death of Harpal Singh.

The Tribunal held the driver of the offending vehicle responsible for causing the accident. Income of the deceased was assessed as ₹ 8,000/- and after applying the multiplier of 17, total compensation came to be ₹14,56,800/- including ₹ 1 lakh for loss of consortium to appellant

No.1, ₹ 10,000/- for loss of estate, ₹ 25,000/- for transportation of dead

body/last rites, ₹ 47,792/- for medical bills, and ₹ 50,000/-to appellant No.5 for loss of love and affection.

Counsel for the appellants states that the Tribunal erred in not granting any future prospects. As per him, in view of the judgment of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, 40% had to be awarded on account of future prospects. Counsel for the Insurance Company is not in a position to deny this. Consequently, I direct that future prospects of 40% be granted in this case.

Counsel for the Insurance Company, however, points out that under the conventional heads, a sum of ₹ 65,000/- has been over paid, in view of the decision of the Supreme Court in Pranay Sethi and others' case (supra). Counsel for the appellants is not in a position to deny this. I direct that the said amount be deducted from the total compensation.

Counsel for the Insurance Company further points out that a sum of ₹ 50,000/- has been awarded to appellant No.5 on account of love and affection which is not permissible. Counsel for the appellants is not in a position to deny this also. In these circumstances, this amount be also deducted. There would be no other change in the award. With these modifications in the Award, this appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

August 29, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No