

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

FAO No. 564 of 2015

Date of decision : November 29, 2018

Sarvjeet Kaur and others

..... Appellants

v.

Dharam Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anjel Sharma, Advocate
for Mr. Sanjeev Pandit, Advocate
for the appellants.

Ms. Sheenu Sura, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation by the claimants on account of death of Ranjit Singh who died in a road vehicular accident which took place on 3.3.2011. Since a very limited issue on the quantum is involved, further detailed reference to the facts would not be necessary.

Counsel for the appellants has argued 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 appellants has further argued that under the conventional heads, only a sum of ₹ 20,000/- has been awarded. As per him, in the present case, the deceased has left behind a widow, 2 minor sons and the parents. In the circumstances, consortium has to be awarded to appellant No.1 and filial consortium has to be awarded to appellants No.2 and 3 and respondent No.4. Further, nothing has been awarded for loss of estate. In the circumstances, a sum of ₹ 1.70 lakh more is awarded under these heads.

Counsel for the appellants has further argued that in view of the latest decision of the Supreme Court in Magma General Insurance Company Ltd vs Nanu Ram @ Chuhru Ram and others, 2018(4) RCR (Civil) 333, interest @ 12% pa has to be granted. Counsel for the Insurance Company is not in a position to dispute this. Consequently, I award interest @ 12% pa on the enhanced amount from the date of the claim application till the date of payment. It is, however, clarified that the appellants would not be entitled for interest for the period this appeal was delayed. It is further clarified that apart from the individual amount/s, the apportionment and the management would be as per the Award of the Tribunal. The remaining Award shall remain unchanged. 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

November 29, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No