

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

220

FAO No.5728 of 2015 (O&M)

Date of Decision : 13.07.2018

Suman @ Suman Devi and others

..... Appellants

Versus

Satbir and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Sahil Khunger, Advocate for
Mr. Pankaj Bali, Advocate
for the appellants.

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

Mr. Rajbir Singh, Advocate
for respondent-Insurance Company.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 22.04.2015 granting compensation of Rs.12,45,000/- with costs and interest @ 9 % per annum in favour of the appellants and against the respondents.

Brief facts of the case are that on 25.06.2012, Satpal was going in his car. At about 12/12.30 p.m. when he was crossing Baldi over-bridge, he saw Hoshiar Singh going ahead on his cycle. In the meantime, a truck bearing Registration No.HR-46B-8624 driven by respondent No.1 in a rash and negligent manner came from Karnal side and hit cycle of deceased

injuries. Immediately after the accident he was taken to Civil Hospital, Karnal and due to serious condition he was referred to PGI Chandigarh where he remain admitted from 26.06.2012 to 11.07.2012 and died on 20.06.2013. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Learned counsel for the appellants states that future prospects have not been granted.

Learned counsel for the respondent-insurance company however, points out that even though future prospects have not been granted yet over payment has been made as per judgment of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*** and this even though future prospects may not have been granted yet what the claimants have lost on that score, has been more than made up in view of the fact that they have been granted huge amount under conventional heads.

Learned counsel for the appellants is not in a position to deny this fact.

In the circumstances, the appeal is dismissed.

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

(**AJAY TEWARI**)
JUDGE

13.07.2018

Pooja sharma-I

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