

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

-.-

FAO 4757 of 2016 (O&M)

Date of decision: 02.02.2018

New India Assurance Co Limited

..... Appellant

Versus

Bowali alais Babli Devi and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vinod Gupta, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 05.04.2016 passed by the Motor Accidents Claims Tribunal, Jind (in short, 'the Tribunal') whereby compensation has been awarded in regard to death of Sanjay in a motor vehicular accident that took place on 07.01.2014.

Counsel for the appellant-insurance company has submitted that appeals filed by the insurance company in connected matters (FAOs No. 4495, 4496 and 4756 of 2016) arising out of the same award to challenge findings of the Tribunal on issue No. 1 have been dismissed by this Court on 07.11.2016. It is argued that the only issue that survives for consideration in the present appeal is with regard to compensation allowed under conventional heads. According to counsel, the Tribunal has awarded Rs.2,20,000.00 under following heads:

Loss of consortium to widow	Rs.1,00,000.00
Loss of love and affection	Rs.1,00,000.00
Expenses of funeral/last rites	Rs.20,000.00

It is argued that in the light of latest judgment of Hon'ble the

Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270*, claimants are entitled to Rs.70,000.00 under conventional heads, therefore, compensation assessed by the Tribunal is liable to be reduced to the extent of Rs.1,50,000.00.

Para 24 of the award deals with quantum of compensation payable to the claimants. As has been rightly argued by counsel, the Tribunal has awarded Rs.2,20,000.00 under conventional heads which in the light of latest judgment in *Pranay Sethi's* case (supra) is to be restricted to Rs.70,000.00 under the following heads:-

Loss of consortium to widow	Rs.40,000.00
Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

That being so, compensation awarded by the Tribunal is reduced to the extent of Rs.1,50,000.00.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

Before parting with the order, it is pertinent to mention that compensation has been reduced to the extent of Rs.1,50,000.00 without notice to the respondents. However, the claimants would be at liberty to file an application before this Court if they have any grievance to express. It is clarified that any observations made herein before shall not cause prejudice to the claimants if they prefer an appeal for enhancement.

(Rekha Mittal)
Judge

02.02.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No