

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-5947-2015 (O&M)
Date of Decision : 20.7.2018

Palwinder Kaur and others

....Appellants

vs.

Union of India and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Gursimran Singh, Advocate
for the appellants.

Mr. Satish Singla, Advocate
Central Government Counsel
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 21.4.2015 passed under Motor Accident Claims Tribunal, Amritsar awarding compensation of Rs. 6,36,496/- alongwith interest at the rate of 6% per annum on account of death of Madanjit Singh in an accident.

The first issue raised by the counsel for the appellants is that as per 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* under the conventional heads total Rs.70,000/- had to be granted instead of Rs.10,000/-.

Counsel for the respondents has very fairly accepted this fact.

The second issue raised by counsel for the appellants is that in view of the judgment in Pranay Sethi and others' case (supra) 30% had

to be added to the income as future prospects. Counsel for the insurance company has accepted this also.

Resultantly, this appeal stands disposed of with the modification in the Award that Rs.60,000/- more is granted under the conventional heads and future prospects of 30% had to be added to the income of the deceased. The apportionment and management would be same as ordered by the Tribunal. I further notice that interest at the rate of 6% has been awarded which is very low. Therefore, I award interest at the rate 8% interest from the date of filing of the claim petition till realization.

Counsel for the appellant has further stated that appellant No.1-daughter is married and appellants No. 3 and 4-sons are major. In the circumstances, in this case the entire enhanced amount will go to the appellant No.1.

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

20.7.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No