

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242-A

FAO-4967-2016 (O&M)

Date of Decision : 26.10.2018

Rajesh Kumar

..... Appellant

Versus

Kulwinder Singh and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Vikram Bali, Advocate
for the appellant.

Mr. Abhimanyu Kalsy, Advocate
for Mr. Ankur Gupta, Advocate
for the respondent No.3.

AJAY TEWARI, J. (ORAL)

This appeal has been filed for enhancement of compensation and for modifying the award dated 20.10.2015 awarding compensation of Rs.6,37,000/- alongwith interest @ 7% p.a. on account of death of Sushil Kumar in a motor vehicular accident which took place on 04.09.2014.

Since very limited issue of quantum of compensation has been raised in this appeal further detailed reference to the facts would not be required.

Counsel for the appellant has argued that only an amount of Rs.25,000/- has been paid under the conventional heads and states that an amount of Rs.45,000/- more has to be awarded in view of the judgment of

the Supreme Court passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009 and Sureshchandra Bagmal Doshi and Another vs. New India Assurance Company Ltd. and ors., 2018 AIR (SC) 2088*. Counsel for the respondent No.3 has very fairly accepted this argument. Consequently, I award an amount of Rs.45,000/- more under the conventional heads to the appellants.

Counsel for the appellant has further argued that as per the judgment of the Supreme Court in Pranay Sethi's case (supra) future prospects of 40% has to be added. Counsel for the respondent No.3 has very fairly accepted this argument. Consequently, I direct that future prospects of 40% be added.

Counsel for the appellant has further argued that the interest @ 7% is on the lower side as per the judgment of the Supreme Court in Magma General Insurance Company Ltd.'s case (supra). I find this to be indeed so. Consequently, I direct that the entire compensation amount be given alongwith interest @ 12% p.a. from the date of filing of the claim petition till the date of realization.

The Tribunal is directed to put the share of the appellant in a fixed deposit for two years. The appellant will not be entitled to any interest accrued thereon till its maturity.

The appeal stands disposed of in the above terms.

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

(AJAY TEWARI)
JUDGE

October 26, 2018
ashish