

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

FAO No.5260 of 2016 (O&M)
Date of decision: 13.11.2018

Bala Devi and others

.... Appellants

Versus

Mohammad Iqbal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.J.P.Sharma, Advocate
for the appellants.

Avneesh Jhingan, J. (Oral)

The present appeal has been filed against award dated 21.07.2015 passed by Motor Accidents Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal').

2. The legal heirs of Subhash are in appeal for enhancement of compensation awarded by the Tribunal in a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for brevity, 'the Act').

3. The facts emanating from the record are that on 06.05.2012, Subhash was driving a truck bearing registration No.HR-47-B-5380. When he reached near Khandwa Indore Road village Bhanbard, his truck was hit by a rashly and negligently driven truck bearing registration No. MP-09HF/3846 (for brevity, 'offending vehicle'). As a result of the impact, Subhash suffered injuries and died on the spot. FIR No.263 dated

06.05.2012 was registered at Police Station Sanawad.

4. A claim petition was filed by the widow, three minor children and the parents of the deceased. The Tribunal assessed the monthly income of the deceased as ₹10,000/-. 1/4th deduction for self expenses was made. The age of the deceased was taken as 45 years and multiplier of 14 was applied.

5. The Tribunal awarded a sum of ₹16,85,000/- along with interest @ 7.5% per annum. The amount awarded included ₹1,00,000/- for loss of consortium to the widow and ₹3,00,000/- to the minor children for loss of love and affection. Further, a sum of ₹25,000/- was given for funeral expenses. Driver, owner and insurer of offending vehicle were held jointly and severally liable to pay compensation.

6. Learned counsel for the appellants argued that no future prospects have been awarded.

7. In consonance with the decision of the Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi and Ors., 2017 AIR (SC) 5157** and **Hem Raj vs. Oriental Insurance Company Ltd., 2018(2) PLR, 480**, 25% future prospects are to be awarded.

8. Since there is no dispute with regard to the loss of dependency calculated by the Tribunal of ₹12,60,000/-, 25% of the said amount would come to ₹3,15,000/-. An amount of more than ₹4,25,000/- have already been awarded under the conventional heads. There is no further scope for enhancement.

9. Hence the appeal is hereby dismissed.

10. As the appeal has been dismissed, the issue regarding condonation of delay of 175 days in filing of appeal is kept open.

(AVNEESH JHINGAN)
JUDGE

13.11.2018

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1. Whether the order is speaking/reasoned: Yes/No
2. Whether the order is reportable : Yes/No