

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

239

FAO-5404-2016 (O&M)
Date of Decision :16.8.2018

Anil Kamboj and another

....Appellants

vs.

Mukha Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sunny Dhull, Advocate for
Mr. Namit Khurana, Advocate
for the appellant(s).

Ms. Vandana Malhotra, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 2.5.2016 passed under Motor Accident Claims Tribunal, Jagadhri awarding compensation of Rs.10,00,000/- alongwith interest at the rate of 7.5% per annum on account of death of Anju Bala in an accident.

Learned counsel for the appellants has argued that nothing has been awarded by the Tribunal for future prospects. He has stated that in view of 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* 40% future prospects have to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award 40% future prospects.

Counsel for the appellants has further argued that even though there were two dependents, the Tribunal made deduction of $\frac{1}{2}$ on the ground that husband was not dependent upon the deceased. The actual deduction should have been $\frac{1}{3}^{\text{rd}}$. Learned counsel for the insurance company is not in a position to deny this. Therefore, deduction has to be $\frac{1}{3}^{\text{rd}}$ instead of $\frac{1}{2}$.

Counsel for the insurance company however has pointed out that under the conventional heads amount of Rs. 1,50,000/- has been awarded whereas as per the judgment of of Pranay Sethi's case (supra) the compensation under conventional heads had to be pegged at Rs. 70,000/-. Therefore, Rs.80,000/- has to be reduced. Ordered accordingly.

The Management and interest would remain same but the entire enhanced amount is payable to appellant No.2.

The appeal stands disposed of with the abovesaid modifications.

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

16.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No