

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

FAO-6545-2015 (O&M)

Date of Decision : 27.09.2018

Smt. Sonia Devi and others

..... Appellants

Versus

Sabir and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Rakesh Gupta, Advocate
for the appellants.

Respondents No.1 and 2 proceeded against ex-parte.

Mr. R.C. 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 30.05.2015 passed by the Tribunal awarding compensation of Rs.7,28,600/- alongwith interest @ 7.5% p.a. on account of death of Sonu Yadav in a motor accident.

Since very limited issue has been raised detailed reference to the facts is not required.

Counsel for the appellants has argued that as per the Constitution Bench judgment of the Supreme Court in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* future prospects of 40% has to be granted.

Counsel for the respondent No.3 has very fairly accepted this argument.

Consequently, I grant future prospects of 40%

Counsel for the respondent No.3 has pointed out that an amount of Rs.2,25,000/- has been granted under the conventional heads. However, as per the judgment of Pranay Sethi's case (supra), only an amount of Rs.70,000/- can be awarded under the conventional heads.

Counsel for the appellants has relied upon the judgment of the Supreme Court in *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018, decided on 18.09.2018* wherein the concept of consortium has been expanded after considering Pranay Sethi's case (supra) and therefore other three dependents in addition to widow have also to be granted filial consortium of Rs.40,000/- each.

Counsel for the respondent No.3 is not in a position to deny this fact.

In the circumstances, I reduce an amount of Rs.85,000/- under the conventional heads.

Counsel for the appellants has further argued that as per the judgment of the Supreme Court in Magma General Insurance Company Ltd's case (supra), the interest should be 12% p.a. instead of 7.5%.

Counsel for the respondent No.3 is not in a position to deny this fact.

Consequently, it is held that the total compensation amount would carry interest @ 12% p.a. from the date of filing of the claim petition

till the date of realization. Out of the enhanced amount 20% each would be

the share of appellants No.2, 3 and 4 and the remaining 40% would go to the share of appellant No.1. The share of any minor would be kept in a fixed deposit in any nationalized bank till the age of majority.

Appeal stands disposed of and the award is modified accordingly.

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

September 27, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No