

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

FAO No.6919 of 2015 (O&M)

Date of decision: 23.1.2018

The Oriental Insurance Company Limited

....Appellant

Versus

Giatri Devi and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.S.S.Sidhu, Advocate for the appellant.

Ms.Ekta Thakur, Advocate for respondents No.1 and 2.

Mr.R.P.S.Cheema, Advocate for respondent No.3.

RITU BAHRI J. (Oral)

Appellant-Insurance has come up in appeal against the award passed by Motor Accident Claims Tribunal, Chandigarh dated 16.7.2015 whereby compensation of Rs.13,40,000/- has been awarded on account of death of Sujata Sharma, who was 24 years of age, in a road accident.

FACTS NOT IN DISPUTE

On 11.4.2014 at about 9.15 p.m. Sujata Sharma (since deceased) was coming from Honda Block Sector 49, Chandigarh for going towards Sector 49-D, Chandigarh driving her Activa bearing registration No.PB65-Q-3740. When she reached 11 paces away from SBI Society and Vidhan Sabha Society gate, respondent No.1 while driving car bearing registration No.PB02-A-0151 in rash and negligent manner came from the side of Verka Booth, Sector 49, Chandigarh and hit Sujata Sharma and continued dragging her for considerable distance. As a result of which, she suffered multiple injuries on vital organs of her body which proved fatal for her. Regarding this FIR No.173 dated 11.4.2014 under Sections 279/337

IPC was registered at Police Station Sector 34, Chandigarh.

Learned counsel for the appellants has submitted that in view of ratio of judgment passed by Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017)**, the Tribunal should have awarded future prospectus at the rate of 40% of the income instead of 50% and further the amount granted under the conventional heads i.e funeral expenses, loss of estate and loss of consortium should be on lesser side.

On the other hand, learned counsel for the claimants-respondents has relied upon to decision of the larger Bench of Hon'ble the Supreme Court in **Ashvinbhai Jayantilal Modi Vs. Ramkaran Ramchandra Sharma and another 2014(4) RCR(Civil) 543**.

I have heard learned counsel for both the parties and have perused the case file carefully.

Hon'ble the Supreme Court in **Ashvinbhai Jayantilal Modi's case (supra)**, had assessed the income of 19 years old student at Rs.25,000/- p.m. and the High Court has assessed the income at Rs.18,000/-. While increasing future income of the deceased, it was observed that medical practice is one of the most sought after and rewarding professions and the services were also on the rise, therefore, the compensation was assessed at Rs.27,25,000/-. In the present case, Sujata Sharma (deceased) was a student of B.Sc. Graduate and was taking coaching from Dronacharya Institute for IAS competition. Her income was assessed at Rs.7500/- p.m. and 50% future prospects have been given. The income of the deceased at Rs.7500/- p.m. is on the lower side as being B.Sc. Graduate. She had a bright future

being B.Sc. Graduate and was preparing for her IAS examination. When income of 19 years' old student in medical practice is held by Hon'ble Supreme Court at Rs.10,000/- even if the income of deceased Sujata Sharma has been fixed as Rs.7500/- and 50% future prospects have been granted, this Court is of the view that it does not require to be interfered with further reducing the income by granting the benefit of 40% in view of **National Insurance Company Limited Vs. Pranay Sethi and others' case (supra)**. Therefore, after giving 50% future prospects, the total compensation is assessed at Rs.13,40,000/- which is not excessive.

In view of the above, the present appeal is hereby dismissed.

(RITU BAHRI)
JUDGE

23.1.2018
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No