

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

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Date of Decision : 25.10.2018

1.

FAO No. 8623 of 2014 (O&M)

Suresh Chand and others

..... Appellants

Versus

Balbir and others

..... Respondents

2.

FAO No. 9165 of 2014 (O&M)

Sushil Kumar and others

..... Appellants

Versus

Balbir and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Atul Yadav, Advocate
for the appellants.

Mr. K.S.Malik, Advocate
for respondents No.1 & 2.

Mr. Pardeep Goyal, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned two appeals.

The brief facts are that on 25.02.2012 at about 8.15 a.m.

Naveen and Jasbir (since deceased) were on their motorcycle No.HR-26-AR-9637 and were going towards Bilaspur chowk from Bhora Kalan. The said motorcycle was driven by Jasbir and Naveen was the pillion rider. Jasbir was driving the said motorcycle. When they reached near Anupma Engineering College, Bilaspur to Pataudi Road, Bhora Kalan, District Gurgaon, a Hywa dumper bearing registration No.HR-47-B-3795 driven by respondent No.1 in a very high speed hit the motorcycle from front side. Naveen and Jasbir fell down and suffered grievous injuries and died. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Both these appeals have been filed for enhancement of compensation and for modifying the award dated 01.03.2014 passed by the Motor Accident Claims Tribunal, Gurgaon.

Counsel for the appellants states that in both cases nothing has been awarded on account of future prospects and has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 40% had to be awarded on account of future prospects. I find this to be indeed so. It is held that 40% has to be awarded towards future prospects.

Counsel for the appellants further states that in both cases under the conventional heads Rs.60,000/- has been awarded whereas as per the judgment passed in *Pranay Sethi (supra)* and *Sureshchandra Bagmal Doshi & anr. Vs. The New India Assurance Company Limited & ors, 2018(2) RCR (Civil) 841* Rs.70,000/- has to be awarded under the

conventional heads. I find this to be indeed so. Consequently, I grant Rs.10,000/- more under the conventional heads in each case. Counsel for the respondents have accepted these facts.

Counsel for the appellants states that interest @7.5% per annum has been granted in these cases. I deem it appropriate to grant interest @10% per annum on the entire compensation in both cases from the date of filing of claim petition till the date of payment. Rest of the award shall remain unchanged.

Appeals are allowed in the above terms and the award is modified accordingly.

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

25.10.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No