

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

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**FAO No.8760 of 2014 (O&M)
Date of Decision : 25.10.2018**

Santra and others

..... Appellants

Versus

Sandeep Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Sharmila Sharma, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 18.03.2014 passed by the Motor Accident Claims Tribunal, Jhajjar granting compensation of Rs.15,40,000/- alongwith interest @7.5% per annum in favour of the appellants and against the respondents.

The brief facts of the case are that on 06.01.2010 at about 2.00 P.M. deceased-Ram Dhari was returning from Bikaner (Rajasthan) in car bearing RC No.HR-26-AM-5295 to his home village Faizabad (Pahsour), Tehsil and District Jhajjar. When his car was 2-3 kms away from Churu (Rajasthan) on Ratangarh side all of sudden truck bearing RC No.RJ-10-GA-2510 (old RC No.NL-02-G-6893) came from opposite side in a fast speed being driven by respondent No.1 in zia-zag manner and

climbed over road-side sand-dune and then fell over the car of the deceased. Ramdhari died on the spot. 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.

Counsel for the appellants has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 25% had to be awarded on account of future prospects. I find this to be indeed so. It is held that 25% has to be awarded towards future prospects.

Counsel for the appellants has argued that the Tribunal has awarded Rs.40,000/- under the conventional heads and as per the judgment passed in *Pranay Sethi (supra)* Rs.30,000/- more has to be awarded under conventional heads. I find this to be indeed so. Consequently, I grant Rs.30,000/- more under conventional heads. He has further argued that as per the judgment passed 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*, filial consortium had to be awarded to the two minor children. I accept this argument. Consequently, I grant a sum of Rs.80,000/- for filial consortium to appellants No.2 and 3.

Counsel for the appellants states that interest @7.5% per annum has been granted in this case. I deem it appropriate to grant interest @10% per annum on the entire compensation.

Appeal is allowed in the above terms and the award is modified accordingly.

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

25.10.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

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