IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision : 14.8.2018

222 FAO-8924-2014 (O&M)

Smt. Rinky and others ....Appellants

vs.

Chaman Lal and others ....Respondents

222-A FAO-9636-2014(O&M)

Royal Sundaram Alliance Insurance Company ...Appellant

vs.

Smt. Rinky and others ...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.D.K.Prajapati, Advocate
for the appellant in FAO-9636-2014
for respondent No.-3-insurance company in FAO-8924-2014.

Ms. Amandeep Kaur, Advocate for
Mr.Ashwani Arora, Advocate
for the appellant in FAO-8924-2014
for respondents No. 1 to 6 in FAO-9636-2014.

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AJAY TEWARI, J. (Oral)

This order shall dispose of the aforesaid two appeals as both are arisen from the same accident.

These are two appeals. One is filed by the insurance company and one is filed by the claimants against the award dated 30.7.2014 passed by the Motor Accident Claims Tribunal, Chandigarh.

Since both the appeals are on the basis of quantum, detailed reference to the facts is not required.

The only ground taken by the learned counsel for the insurance company is with regard to future prospects. That is now concluded by 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.*** Counsel has pointed out that as per the judgment future prospects would have to be 40% and not 50%. Counsel for the claimants has accepted this. In the circumstances, future prospects are reduced to 40% from 50%.

Counsel for the insurance company has further pointed out that under the conventional heads an amount of Rs. 1,25,000/- has been awarded which is against the maximum limits of Rs. 70,000/- which has been prescribed in Pranay Sethi's case. Therefore, Rs.55,000/- has to be reduced. Ordered accordingly.

In the cross appeal counsel for the claimants has pointed out that as per the provisions of the Minimum Wages, Act the minimum wages on the date of death that is 4.11.12 were Rs. 6750/-. Counsel for the insurance company is not in a position to deny this and therefore, income is taken as Rs. 6750/-.

Counsel for the claimants has further argued that there were four claimants and deduction of $1/3^{rd}$ was excessive. Counsel for the insurance company is not in a position to deny this also and therefore, deduction is reduced from $1/3^{rd}$ to $1/4^{th}$.

Both the appeals stand disposed of with the abovesaid modifications.

The apportionment, management and interest would be same as per ordered by the Tribunal.

I further direct that amount of Rs.25000/- deposited by the insurance company be remitted back to the Tribunal for disbursal in terms of this order.

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

(AJAY TEWARI)
JUDGE

14.8.2018
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No