

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No.90 of 2014 (O&M)

Date of Decision: 23.03.2018

Rohi Ram Alias Rohi Singh and others

.....Appellants

Versus

Suresh and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajbir Singh, Advocate
for the appellants.

Mr. R.N. Singal, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 10.07.2013 passed by the Motor Accidents Claims Tribunal, Sangrur (for short 'the Tribunal').

In a motor vehicular accident that took place on 14.01.2011 Budhu Singh aged 22 years lost his life. He was going on motor cycle bearing registration No. PB13T-1023, a New Truck which was having no registration number loaded with soil struck the motor cycle. The Truck was being driven rashly and negligently. Budhu Singh died on the spot.

A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') by the legal heirs of the deceased. The Tribunal awarded a sum of Rs.5,19,000/- alongwith interest at the rate of 7.5% per annum.

The present appeal has been filed for enhancement of compensation. The issues raised by the appellants are that no future prospects have been awarded, the amount awarded for funeral expenses is

on lower side and no amount has been awarded for loss of estate.

Learned counsel for the Insurance Company contended that already amount has been awarded of Rs.50,000/- for loss of love and affection same cannot be awarded, hence, no interference is called for.

The contentions raised in the appeal are to be decided in accordance with the decisions of the Supreme Court in case of **National Insurance Company Limited Versus Pranay Sethi and others** 2017 AIR (SC) 5157 and **Hem Raj Versus Oriental Insurance Company Ltd.**2017 DNJ 1102.

Since there is no dispute on the amount of loss of dependency calculated as Rs. 4,59,000/-, 40% on the said amount is awarded for future prospects i.e. Rs. 1,83,600/-. The amount awarded of Rs.60,000/- for funeral expenses and loss of love and affection are restricted to Rs.30,000/- i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

The appeal is partly allowed and the amount awarded of Rs.5,19,000/- by the Tribunal is enhanced by Rs.1,53,600/-.

The appellants would be entitled to enhanced amount along with interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the above said terms.

(AVNEESH JHINGAN)
JUDGE

23.03.2018
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No