

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

FAO No. 6514 of 2016 (O&M)
Date of decision : October 03, 2018

National Insurance Co. Ltd

..... Appellant

v.

Raj Rani and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Harjinder Singh, Advocate
for the appellant.

Mr. Kanwal Goel, Advocate
for respondents No.1 and 2.

Mr. Gaurav Sharma, Advocate
for respondents No.3 & 4.

Ajay Tewari, J (Oral)

This appeal has been filed by the Insurance Company against the Award of the Tribunal whereby a sum of ₹9,97,000/- was awarded to the claimants on account of death of Sunny @ Harinder Singh in a motor vehicular accident which took place on 17.1.2015.

Since a limited point is involved, further reference to the detailed facts would not be necessary.

In this case, notice was issued only on account of the fact that at the time when the case had come up for hearing, the issue regarding grant of future prospects was pending before the Larger Bench of the Supreme

Court. Counsel for the appellant has fairly accepted that in view of the decision of the Larger Bench of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, future prospects of 40% has to be granted instead of 50% as awarded by the Tribunal.

Counsel for respondents No.1 and 2 points out that even though this may be correct yet under the conventional heads a sum of ₹ 25,000/- has been awarded instead of ₹ 70,000/- in view of the decisions in Pranay Sethi and others' case (supra) and Sureshchandra Bagmal Doshi & Anr v. New India Assurance Co. Ltd & others, 2018(2) RCR (Civil) 841. He further states that now as per the decision in Civil Appeal No.9581 of 2018, Magma General Insurance Company Ltd vs Nanu Ram @ Chuhru Ram and others, decided on 18.9.2018, the Supreme Court awarded interest @ 12%, whereas in the present case, only 6% interest has been granted.

In the circumstances, this appeal is disposed of with the directions that though future prospects would be 40% yet a sum of ₹ 45,000/- more would be payable under the conventional heads and the claimants would be entitled to interest @ 12% on the entire compensation amount from the date of the application till the date of payment. Rest of the Award shall remain unchanged.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

October 03, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No