

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

FAO No. 7765 of 2015

Date of decision : September 27, 2018

Bhinder Kaur and others

..... Appellants

v.

Shiv Kumar and another

..... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Ishan Cooner, Advocate  
for Mr. JS Cooner, Advocate  
for the appellants.

Mr. Varun Sharma, Advocate  
for Mr. SP Dhamija, Advocate  
for respondent No.2.

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**Ajay Tewari, J (Oral)**

This appeal has been filed for enhancement of compensation.

Brief facts are that on 16.5.2014 when deceased Tara Singh reached his factory on his bicycle, the offending vehicle being driven rashly and negligently stuck against his bicycle and as a result of this accident, he fell down on the road and received multiple injuries and eventually died. Hence, the claim petition was filed.

The Tribunal held the driver of the offending vehicle responsible for causing the accident. Income of the deceased was fixed as ₹8000/- per month and after applying multiplier of 13, total compensation assessed was ₹9,62,000/- including ₹ 25,000/- towards last rites, ₹ 5000/- for loss of estate and ₹ 1,00,000/- towards loss of consortium.

Counsel for the appellants has argued that the Tribunal erred in

not granting any future prospects. As per him, in view of the judgment of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, 25% had to be awarded on account of future prospects. Counsel for the Insurance Company is not in a position to deny this. Consequently, I direct that future prospects of 25% be granted in this case.

Counsel for the appellants has further argued that in view of the latest decision of the Supreme Court in Civil Appeal No.9581 of 2018, Magma General Insurance Company Ltd vs Nanu Ram @ Chuhru Ram and others, decided on 18.9.2018, interest @ 12% pa has to be granted. Counsel for the Insurance Company is not in a position to dispute this also. Consequently, I award interest @ 12% pa on the entire amount of compensation from the date of the claim application till the date of payment.

Counsel for the Insurance Company, however, points out that under the conventional heads, the Tribunal has awarded a sum of ₹ 1,30,000/-, whereas in view of the decision of the Supreme Court in Pranay Sethi and others' case (supra), a sum of ₹ 70,000/- had to be awarded. I accept this argument and direct that a sum of ₹ 60,000/- be deducted from the compensation amount. Rest of the Award shall remain unchanged. This appeal stands disposed of.

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

September 27, 2018  
'kk'

( AJAY TEWARI )  
JUDGE

Whether speaking/reasoned:  
Whether Reportable:

Yes/No  
Yes/No