

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

232

FAO-7876-2015 (O&M)
Date of Decision : 30.7.2018

Harvinder Kaur and others

....Appellants

vs.

Kashmir Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: None for the appellant.

Mr. Sanjeev Pabbi, Advocate
for respondent No.-3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 29.4.2015 passed under Motor Accident Claims Tribunal, Yamunanagar at Jagadhri awarding compensation of Rs. 13,25,128/- alongwith interest at the rate of 7% per annum on account of death of Avtar Singh in an accident.

I find that this is an appeal for enhancement.

None has appeared for the appellants.

Since only two points arise detailed reference to the facts is not required.

Mr. Sanjeev Pabbi, Advocate has come present for insurance company and has very fairly stated that in view of the judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* there has to be some

enhancement. As per the said judgment 40% future prospects have to be granted. Consequently, I award 40% future prospects.

He has pointed out that in that very judgment the compensation for conventional heads had to be pegged at Rs. 70,000/- whereas in this case Rs.1,15,000/- has been awarded. This point is well taken and compensation under the conventional heads is reduced by Rs. 45,000/- on account of the excess payment made under the conventional heads.

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

The appeal stands disposed of with the above said modifications.

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

30.7.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No