

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

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FAO No.686 of 2016 (O & M)
Date of Decision:19.04.2018

The Oriental Insurance Co. Ltd.

...Appellant

Versus

Pooja and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.P. Gupta, Advocate
for the appellant.

Mr. Inderjit Sharma, Advocate
for respondent Nos.1 to 4.

Mr. Kanwaljeet Singh, Advocate
for respondent No.5.

ANIL KSHETARPAL, J.(Oral)

In view of the recent judgment passed by the Hon'ble Constitution Bench in the case of National Insurance Company Limited vs. Pranay Sethi, learned counsel for the parties have admitted that on account of future prospects, the income can only be increased to 40% and not 50% as awarded by the learned Motor Accident Claims Tribunal, keeping in view the age of the deceased i.e. 25 years. Learned counsel for the parties are also agreed that on account of conventional heads, the total amount which can be awarded is Rs.70,000/- and not Rs.2,20,000/-.

In view of the aforesaid, the amount awarded on account of future prospects shall be reduced from 50% to 40% and on account of conventional heads i.e. funeral expenses, loss of consortium, love and affection shall reduce to Rs.70,000/-.

Learned counsel for the appellant Insurance Company has

further argued that the driving licence was fake and, therefore, the Court has

wrongly held against the Company.

A careful reading of the award passed by the learned Motor Accident Claims Tribunal, it is apparent that Insurance Company has already been given recovery rights against the driver-cum-owner as is clear from reading of Para 16 of the award.

In view thereof, there is no scope for interference.

Appeal is disposed of.

19.04.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No