

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

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**FAO-102-2017 (O&M)
Date of Decision : 10.12.2018**

Harpreet Kaur and others

....Appellants

vs.

Pardeep Kumar and another

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Akshit Aggarwal, Advocate for
Mr. S.K.Singla, Advocate
for the appellants.

Mr. Sanjeev Kodan, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

CM-453-CII-2017

For the reasons recorded, the application is allowed. Delay of 4 days in filing the appeal is condoned.

Main Case

This appeal has been filed against the award dated 3.8.2016 passed by Motor Accident Claims Tribunal, Patiala awarding compensation of Rs. 12,33,000/- alongwith interest at the rate of 6% per annum on account of death of Nirmal Puri in an accident.

Since the dispute is only with regard to quantum further detailed reference to the facts is not required.

Counsel for the appellants has argued that in view of the

Constitution Bench judgment of the Supreme Court in the matter of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*** 40% future prospects has to be granted. Counsel for the respondent No.2 is not in a position to deny this fact. Consequently, I award 40% future prospects.

Counsel for the insurance company has pointed out that there were four claimants and under the conventional heads the Tribunal had awarded Rs. 2,25,000/- whereas as per the judgment of the Supreme Court in ***“Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others”*** reported as ***2018 (4) RCR Civil 333*** and ***“National Insurance Company Limited vs. Pranay Sethi and others (supra)*** Rs.1,90,000/- could have been awarded (Rs.40,000/- to each claimant on account of consortium/filial consortium and Rs. 30,000/- for loss of estate and funeral expenses). Counsel for the appellants is not in a position to deny this. In the circumstances, Rs. 35,000/- is reduced under the conventional heads.

Counsel for the appellant has pointed out that in the judgment of ***Magma General Insurance Company Limited (supra)*** the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the enhanced compensation from the date of filing of the claim petition till the date of payment.

Apart from the individual amount, 50% would go to the appellant No.1 while 25% would go to the appellants No.2 and 3 each. Rest of the Award shall remain unchanged.

The appeal stands disposed of with the abovesaid modifications.

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

10.12.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No