

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

FAO No. 8049 of 2015

DATE OF DECISION : 17.05.2018

Laxmi Devi and others

....APPELLANTS

Versus

Vikram and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Arvind Kumar Yadav, Advocate,
for the appellants.

Mr. Ashwani Talwar, Ms. Priya Deep and
Mr. Lalit Kumar, Advocates,
for respondent No.3.

* * *

AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 06.12.2014 passed by the Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal').

2. The litigation is outcome of a motor vehicular accident that took place on 10.06.2013. Mukesh Kumar, aged 36 years, lost his life in the accident. The offending vehicle in the said accident was bearing registration No. RJ 32 GA 1184. Mukesh Kumar died on his way to PGIMS, Rohtak. FIR No. 120 dated 11.06.2013 was registered at Police Station Rampura.

3. In the claim petition under Section 166 of the Motor Vehicles

Act, 1988 (for short, 'the Act') filed by the legal heirs of the deceased, the Tribunal quantified loss of dependency as ₹ 9,72,000/- and awarded a sum of ₹ 1,30,000/- for loss of consortium, loss of estate, expenses of last rites & transportation and loss of love & affection. The amount was awarded along with interest at the rate of 7% per annum.

4. The parties have not disputed the facts in the present case.

5. The issue raised in the present appeal is that the future prospects are to be awarded in consonance with decision of the Supreme Court in *National Insurance Company Limited Versus Pranay Sethi and others*, AIR 2017 (SC) 5157, and the amount under the conventional heads is to be restricted to ₹ 70,000/-.

6. Having due regard to decision of the Supreme Court in *Pranay Sethi's case* (supra), deceased being below 40 years, 40% future prospects are awarded of ₹ 9,72,000/-, i.e. ₹ 3,88,800/-. As per decision of the Supreme Court, no amount can be awarded for loss of love and affection and a sum of ₹ 70,000/- is to be awarded under the conventional heads, i.e. ₹ 15,000/- each for loss of estate and funeral expenses and ₹ 40,000/- for loss of consortium. Hence, the amount of ₹ 1,30,000/- awarded under the conventional heads is restricted to ₹ 70,000/-. The net result is that the amount awarded by the Tribunal is enhanced by ₹ 3,28,800/-.

7. The appellants would be entitled to the enhanced amount along with interest at the rate, as awarded by the Tribunal, from the date of filing of the claim petition till realisation of the amount.

8. The appeal is partly allowed in the aforesaid terms.

May 17, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No