

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

FAO No. 9842 of 2014
Date of Decision: 07.09.2018

Baby Leeja and others

.....Appellants

Versus

Kalia @ Kali and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sandeep Kotla, Advocate
for the appellants.

Mr. Rajneesh Malhotra, Advocate
for respondent No.3-Insurance Company.

DEEPAK SIBAL, J. (ORAL)

Through the present appeal, the appellants seek enhancement in the compensation awarded to them through award dated 18.07.2014 passed by the Motor Accident Claims Tribunal, Fatehabad (for short, the Tribunal).

After relying upon the law laid down by the Hon'ble Supreme Court of India in National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680, learned counsel for the appellants submits that the Tribunal erred in applying future prospects @ 30% on the income of the deceased as 40% ought to have been applied. He further submits that under the conventional heads i.e. 'loss of estate', 'loss of consortium' and 'funeral expenses', the appellants were entitled to ₹70,000/- whereas only ₹15,000/- has been granted.

Learned counsel for the Insurance Company very fairly submits as per the law laid down by the Hon'ble Supreme Court in **Pranay Sethi's case (supra)**, the afore submissions made by learned counsel for the

appellants merit acceptance.

In view of the above, the impugned award is modified only to the extent that future prospects on the assessed income of the deceased are ordered to be enhanced from 30% to 40% and under the conventional heads i.e. 'loss of estate', 'loss of consortium' and 'funeral expenses', the appellants are held entitled to an accumulated sum of ₹70,000/- instead of ₹15,000/- as granted by the Tribunal. On the enhanced compensation, the appellants are also held entitled to interest of 6.5% per annum from the date of filing of the claim petition till its realization.

No other point was argued.

The appeal is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

07.09.2018
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No