

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision : 20.9.2018

240 FAO-7624-2016 (O&M)

Priyanka and another Appellants

vs.

Naved Hasan and others Respondents

240-A FAO-7882-2016(O&M)

Om Parkash and another ...Appellants

vs.

Naved Hasan and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Chiranshu Bansal, Advocate
 for the appellant(s).

Ms. Vikas Chaudhary, Advocate for
Ms. Vandana Malhotra, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

These two appeals are decided by the common order as they are arising out of the same accident. One appeal is filed by the parents of the deceased and the other is filed by the wife and son of the deceased.

Notice of motion.

Since liability of the insurance company is not disputed, service upon respondents No.1 and 2 is exempted.

Ms. Vikas Chaudhary, Advocate for Ms. Vandana Malhotra, Advocate has entered appearance on behalf of the respondent No.-3.

These two appeals have been filed against the award dated 1.9.2016 passed by Motor Accident Claims Tribunal, Panipat awarding compensation of Rs. 10,62,120/- alongwith interest at the rate of 7.5% per annum on account of death of Naresh in an accident.

Since limited points have been urged 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 have to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award 40% future prospects.

Counsel for the appellants has further pointed out that in the judgment passed in the matter of “***Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others***” in ***Civil Appeal No. 9581 of 2018*** decided on 18.9.2018, 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 entire compensation from the date of filing of the claim petition till the date of payment.

Counsel for the insurance company points out that under the conventional heads an amount of Rs.2,25,000/- has been awarded. Counsel for the appellants has relied upon the judgment of Magma General

Insurance Company Limited (supra) where the Supreme Court after discussing Pranay Sethi's case (supra) had given Rs.40,000/- each to the father and unmarried sister of an unmarried deceased boy on the ground of loss of filial consortium. Counsel for the insurance company states that even if the minor son and mother are entitled to filial consortium, the total compensation under conventional heads would be Rs. 1,50,000/-. In the present case Rs. 2,25,000/- has been awarded. Counsel for the appellants has accepted this. Consequently, I reduce Rs. 75,000/-.

Apart from the individual amounts, out of the enhanced amount the wife and the minor son of the deceased would get 40% each while the mother would get 20%.

Both the appeals stands disposed of with the abovesaid modifications.

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

**20.9.2018
anuradha**

**(AJAY TEWARI)
JUDGE**

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