

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

FAO No. 7684 of 2016

Date of decision : August 29, 2018

Pushpa and others

..... Appellants

v.

Raj Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjeev Kumar Bawa, Advocate
for the appellants.

Ms. Sheena Sura, Advocate
for the respondent-Insurance Company.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation.

Brief facts are that on 20.04.2014, Karan Singh, since deceased and his brother Ved Parkash, along with three other persons were going in a Alto car being driven by the deceased and when they reached near village Asalwas on National Highway 8, it struck against rear portion of the offending truck which was parked unguarded on the right side of the road. As a result of this accident, occupants of the car sustained injuries and the deceased later on died in the hospital. Hence the claim petition was filed.

The Tribunal held the driver of the offending vehicle responsible for causing the accident. Income of the deceased was assessed as ₹ 5550/- per month and after applying the multiplier of 18, total compensation came to be ₹ 9,46,208/- including ₹ 20,000/- for transportation, funeral and the last rites, ₹ 20,000/- towards loss of

consortium and ₹ 7,000/- for medical expenses.

Counsel for the appellants has argued that the Tribunal erred in not awarding any thing towards future prospects. In view of the decision of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, future prospects of 40% has to be granted. Counsel for the respondent-Insurance Company is not in a position to dispute this. Consequently, I direct that future prospects of 40% be awarded in this case.

Counsel for the appellants has further argued that under the conventional heads, some more amount should be awarded in view of the decision of the Supreme Court in Pranay Sethi and others' case (supra). Counsel for the Insurance Company does not dispute this also. Consequently, I direct that a sum of ₹23,000/- more be awarded under the conventional heads.

It is made clear that no portion of the enhanced amount shall be given to appellant No.4. Out of the enhanced amount, appellant No.5 shall be entitled to 20%, while the remaining 80% shall be distributed among appellants No.1 to 3 in the same proportion as was computed by the Tribunal. The management of the amount will also be the same. There would be no other change in the Award. With these modifications in the Award, this appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

August 29, 2018
'kk'

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

