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

**FAO No.7816 of 2016(O&M)
Date of Decision: 05.07.2018**

National Insurance Company Ltd. ......Appellant
Vs
Paramjit Kaur and others .....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Harjinder Singh, Advocate
for the appellant.

Mr. Rahul Jaswal, Advocate and
Mr. Sartaj Singh, Advocate
for respondents No.1 to 3.

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RAJ MOHAN SINGH, J. (Oral)

[1]. Insurance Company has preferred this appeal against the award dated 25.07.2016 passed by Motor Accident Claims Tribunal, Sangrur, awarding an amount of Rs.17,64,910/- as compensation to respondents No.1 to 3 along with interest @ 7.5 % per annum from the date of filing of the claim petition till final realization of the amount. The amount was ordered to be apportioned in the manner as suggested in the award.

[2]. The only grievance of the appellant is that in view of ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270,*** future prospects to the tune of 40%

was applicable in view of age of the deceased and the compensation under conventional heads has to be reduced to the tune of Rs.70,000/-. The factual matrix is not in dispute. This Court can take cognizance on the aforesaid two arguments as per ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others case (supra).***

[3]. The income of the deceased has been held to be Rs.8000/- per month on the basis of evidence on record viz. CW 2 Gurtej Singh Jhaneri, President of Shri Guru Teg Bahadur Truck Operator Association, Bhawanigarh and *jamabandi* for the year 2010-11. No evidence to the contrary has been pointed out to suggest that the deceased was not earning Rs.8000/- per month. In view of above, finding regarding income of the deceased to be Rs.8000/- per month cannot be interfered with. In view of ***National Insurance Company Limited Vs. Pranay Sethi and others case (supra)***, future prospects to the tune of 40% has to be added in view of age of the deceased. If calculations are made on the basis of monthly income of the deceased, the amount under future prospects would come out to be Rs.3200/- (8000x40/100=3200), therefore, total monthly income can be assessed to be Rs.11,200/- per month (8000+3200=11,200) i.e. Rs.1,34,400/- per annum. 1/3rd of the amount i.e. Rs.44,800/- has to be deducted towards personal

expenses of the deceased as the dependants are three in number and after deduction, the remaining amount would come out to be Rs.89,600/- (1,34,400-44,800 =89,600), to which multiplier of 15 has to be applied in view of deceased being 40 years of age at the time of accident. In this way, total calculations would come out to be Rs.13,44,000/-. The Tribunal has awarded an amount of Rs.3,25,000/- towards conventional heads i.e. loss of consortium, loss of love and affection to each of the child, loss of love and affection to parents and funeral expenses.

[4]. The ratio of ***National Insurance Company Limited Vs. Pranay Sethi and others case (supra)*** has reduced the aforesaid conventional heads to the tune of Rs.70,000/- only. If an amount of Rs.70,000/- is added to the tally of Rs.13,44,000/-, the total compensation would come out to be Rs.14,14,000/-. In this way, the amount of compensation as awarded by the Tribunal to the tune of Rs.17,64,910/- has to be reduced to the tune of Rs.14,14,000/-. There will be reduction of Rs.3,50,910/-. In view of interim order dated 22.12.2016 passed at the time of issuance of notice of motion, the appellant was directed to deposit 50% of the awarded amount. The executing Court shall make necessary calculations in view of the present order and shall execute the award qua remaining amount which

shall carry the same rate of interest as awarded by the Tribunal. The observations regarding apportionment of the amount as ordered by the Tribunal shall remain the same.

[5]. Disposed of accordingly.

July 05, 2018 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

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