

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

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**FAO No.1962 of 2017 (O&M)
Date of Decision : 26.07.2018**

United India Insurance Company Limited

..... Appellant

Versus

Devki Devi and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Ram Avtar, Advocate
for the appellant.

Mr. Tushar Sharma, Advocate for
Mr. Tarunveer Singh Lehal, Advocate
for respondents No.1 to 3.

Mr. Shiv Charan Bhola, Advocate
for respondent No.4.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 12.10.2016 passed by Motor Accident Claims Tribunal, Rupnagar awarding a sum of Rs.16,30,000/- for the death of Sukhwinder Singh in an accident which took place on 22.12.2015. Since a very limited point has been raised further detailed reference to the facts is not necessary.

Learned counsel for the appellant-Insurance Company has raised two arguments. Firstly that as per the judgment of the Supreme Court passed in *National Insurance Company Ltd. vs. Pranay Sethi and others*,

2017(4) RCR (Civil)1009, the future prospects had to be awarded at 40% whereas in the present case it has been awarded at 50%.

Learned counsel for the claimants is not in a position to deny this.

In the circumstances, this argument has to be accepted and future prospects are reduced from 50% to 40%.

His second argument is that under conventional heads a sum of Rs.30,000/- should be granted whereas in the present case Rs.1,00,000/- has been awarded. Counsel for the claimants is not in a position to deny this argument as well.

Both these arguments are accepted. Appeal is allowed in the above terms. It is held that future prospects would be 40% instead of 50% and the compensation under conventional heads would be Rs.30,000/- instead of Rs.1,00,000/-. Rest of the award would remain unchanged.

Appeal stands allowed.

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

(**AJAY TEWARI**)
JUDGE

26.07.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No