

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

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**FAO No.2459 of 2017 (O&M)
Date of Decision : 28.11.2018**

Jyoti and others

..... Appellants

Versus

Ramesh Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Surinder Gandhi, Advocate
for the appellants.

Mr. Paul S.Saini, Advocate
for respondent No.3.

Mr. M.B.Jain, Advocate
for respondent No.5.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 27.09.2016 passed by the Motor Accident Claims Tribunal, Jhajjar granting compensation of Rs.14,35,800/- along with interest @7.5% per annum in favour of the appellants and against the respondents.

Since a very limited point has been raised further detailed reference to the facts is not necessary.

Counsel for the appellants has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 40% had to be awarded on account of future prospects. I find this to be indeed so. It is held that 40% has to be awarded towards future prospects and the deduction would be 1/3rd instead of 1/4th as awarded by the tribunal

Further counsel for the appellants has argued that tribunal has awarded a sum of Rs.75,000/- under conventional heads and as per the judgment passed in *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018 (4) RCR (Civil) 333*, a sum of Rs.40,000/- to the widow, Rs.40,000/- to the minor son and Rs.40,000/- to the mother plus a sum of Rs.30,000/- had to be awarded for filial consortium and funeral expenses and for the loss of estate. I find this to be indeed so and award a sum of Rs.75,000/- more under this head.

Counsel for the appellants states that interest @7.5% per annum has been awarded whereas in *Magma General Insurance Company Ltd. supra*, the Supreme Court had awarded interest @12% per annum. In the circumstances, the enhanced compensation would carry interest @12% per annum. Out of the enhanced amount 60% will go to appellant No.1-widow, 20% each will go appellants No.2-minor and 3-mother. The share of minor will be put in a fixed deposit till he attain the age of majority.

Remaining part of the award shall remain unchanged.

Appeal is allowed in the above terms and the award is modified accordingly.

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

28.11.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

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