

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2567 of 2017(O&M)

Date of Decision: 16.04.2018

United India Insurance Company Limited

... Appellant

Versus

Rekha Rani & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ashwani Talwar, Advocate,
for the appellant.

Mr. Rishab Gupta, Advocate,
for respondents No.6 and 7.

RAMENDRA JAIN, J.(Oral)

By way of this appeal, Insurance Company has laid challenge to the impugned award dated 14.02.2017 of the Motor Accident Claims Tribunal, Hoshiarpur, (in short 'the Tribunal'), whereby it has been held liable to make payment of compensation of ₹ 20,50,500/- to respondents No.1 to 5-claimant.

Learned counsel for the appellant submitting calculations according to principles laid down in National Insurance Company Ltd. Vs. Pranay Sethi & ors., 2017(4) RCR (Civil) 1009, *inter alia* contends that respondents No.1 to 5-claimant are legally entitled to compensation of ₹17,74,000/- and therefore, the learned Tribunal has wrongly and illegally awarded an excess amount of ₹2,76,500/- to them.

Heard.

A perusal of impugned award shows that learned Tribunal has granted a consolidated amount of ₹2,76,500/-to respondents No.1 to 5-claimant towards consortium, loss of love and affection and funeral expenses,

which could not have been granted beyond ₹70,000/- under the above heads in view of the *Pranay Sethi's case (supra)*. Moreover, according to above judgment, 40% of income of the deceased had to be added towards his future prospects, whereas learned Tribunal has added 50%. Therefore, it is evident on the record that the learned Tribunal has wrongly granted a sum of ₹20,50,500/- to respondents No.1 to 5-claimant against their legal entitlement of ₹17,74,000/-.

Accordingly, the appeal is allowed and the impugned award is modified and reduced to the extent that respondents No.1 to 5-claimant are entitled to ₹17,74,000/- along with interest @ 6% per annum from the date of institution of the claim petition till realization, which shall be deposited by the appellant-Insurance Company before the learned Tribunal, less if any already paid, within two months from today for onward disbursement to respondents No.1 to 5 in proportion so arrived at by it, in accordance with law against proper receipt and identification.

16.04.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No