

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

FAO No.2957 of 2017(O&M)

Date of decision: 9.5.2018

Oriental Insurance Co. Ltd.

.....Appellant

VERSUS

Geeta and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 06.01.2017 passed by the Motor Accidents Claims Tribunal, Chandigarh (in short 'the Tribunal') whereby compensation to the tune of Rs.13,66,640/- has been awarded on account of death of Kuldeep Kumar in a motor vehicular accident that took place on 23.05.2016.

Ms. Amandeep Kaur, Advocate, has caused appearance on behalf of respondents No.1 and 2 (claimants).

Counsel for the insurance company would inform that appeal has been preferred only to assail quantum of compensation and service of respondents No.3 and 4 may be dispensed with. Ordered accordingly.

The sole submission made by counsel for the appellant is that the Tribunal has allowed benefit of future prospects at the rate of 50% as against 40% admissible in the light of latest judgment of Hon'ble the

Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.**

Counsel for the claimants has not disputed the said contention in the light of judgment cited by counsel for the insurance company. In this manner, loss of dependency comes to Rs.12,42,864/- [Rs.17,75,520/- (Rs.8220/- x 12 x 18) + Rs. 7,10,208/- (40% towards future prospects) – Rs.12,42,864/- (50% deduction towards personal expenses)].

Compensation awarded under conventional heads is modified to the extent that claimants shall be entitled to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

In view of the above, total compensation comes to Rs.12,72,864/- and compensation awarded by the Tribunal is reduced to the extent of Rs.93,776/- (Rs.13,66,640/- - Rs.12,72,864/-).

The appeal is partly allowed in the aforesaid terms.

MAY 9, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no