

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

FAO No.3696 of 2017 (O&M)
Date of Decision : 29.10.2018

Jyoti and others

..... Appellants

Versus

Virender Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.K.Liberhan, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3-insurance company.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 25.02.2016 passed by the Motor Accident Claims Tribunal, Kaithal granting compensation of Rs.13,40,200/- alongwith interest @ 7% 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. Counsel for respondent No.3-insurance company is not in a position to deny this. I find this to be indeed so and it is held that

40% has to be awarded towards future prospects.

Further counsel for the appellants has argued that the Tribunal has awarded Rs.1,70,000/- under conventional heads and as per the judgment passed in *Sureshchandra Bagmal Doshi & anr. Vs. The New India Assurance Company Limited & ors, 2018(2) RCR (Civil) 841 and Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018*, filial consortium had to be awarded to the two minor children and old mother and once that is taken into consideration the compensation under the conventional heads would be Rs.1,90,000/- instead of Rs.1,70,000/-. I accept this argument. Apart from that a sum of Rs.20,000/- more has been awarded under this head.

Counsel for the appellants states that interest @7% 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 entire compensation would carry interest @12% per annum.

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.

(AJAY TEWARI)
JUDGE

29.10.2018

pooja sharma-I

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