

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

**FAO No.1374 of 2018 (O&M)
Date of Decision: March 22, 2018.**

United India Insurance Company Limited

.....APPELLANT(s).

VERSUS

Kavita Sharma and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashwani Talwar, Advocate
for the appellant (s).

Mr. Munish Gupta, Advocate
for caveators.

SURINDER GUPTA, J.

CM-5234-CII-2018

Heard. There is delay of 9 days in re-filing the appeal.

Notice of the application.

Mr. Munish Gupta, Advocate, who has put in appearance on
behalf of caveators-claimants/respondents No.1 and 2, accepts notice.

Learned counsel for claimants-respondents No.1 and 2 submits
that he has no objection if the delay of 9 days in re-filing the appeal is
condoned.

Ordered accordingly.

FAO-1374-2018

Learned counsel for the appellant while relying on the
observations of Hon'ble Apex Court in case of *National Insurance
Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil)*

1009, has argued that the tribunal has allowed 50% addition in the income of the deceased, who was self employed person towards future prospects and has awarded compensation of ₹2,25,000/- under the conventional heads, which is to be restricted to 40% and ₹70,000/-, respectively.

Learned counsel appearing for claimants-respondents No.1 and 2 concedes the legal proposition put forth by learned counsel for the appellant.

Both the learned counsel have calculated the amount of compensation awardable to the claimants as per law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***, which comes out to ₹42,45,360/-.

Learned counsel for claimants-respondents No.1 and 2 has no objection if the award is modified to that extent.

Accordingly, award dated 10.10.2017 passed by Motor Accident Claims Tribunal, Hoshiarpur in MACT case No.54 of 23.2.2016 is modified in above terms and the amount of compensation awarded by the tribunal is reduced from ₹46,98,400/- to ₹42,45,360/-. Other terms of the award shall remain the same.

Disposed of accordingly.

Statutory amount of ₹25,000/- deposited by the appellant be sent to the executing Court for being adjusted towards the compensation amount.

March 22, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No