

In the High Court of Punjab and Haryana at Chandigarh

**FAO- 5341 of 2017(O&M)
Date of Decision: 17.10.2018**

United India Insurance Company Limited

---Appellant

versus

Jasmal Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Abhishek Goyal, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against award dated 10.5.2017 passed by the Motor Accidents Claims Tribunal, Sangrur (in short “the Tribunal”) whereby compensation has been assessed on account of death of Roop Singh in a motor vehicular accident that took place on 27.1.2016.

Counsel for the appellant-insurance company would fairly inform that appeal has been preferred to assail only quantum of compensation assessed by the Tribunal. It is argued that the Tribunal has allowed addition in income for future prospects @ 30% as against 25% admissible in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.**

Another submission made by counsel is that the Tribunal has allowed a sum of Rs. 1,25,000/- under conventional heads which is more than what is permissible in the light of **Pranay Sethi and others' case (supra)**.

Contention raised by counsel with regard to future prospects being available @ 25% as against 30% allowed by the Tribunal is meritorious in the light of **Pranay Sethi and others' case (supra)**. However, in view of the latest judgment of Hon'ble the Supreme Court **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram and others Civil Appeal No. 9581 of 2018 (arising out of SLP (Cvil) No. 3192 of 2018 decided on 18.9.2018**, claimants are entitle to more than Rs. 1,00,000/- in addition to what has been allowed by the Tribunal under conventional heads. In the given scenario, even if amount of future prospects is reduced to 25% as against 30%, there would be no reduction in compensation assessed by the Tribunal. As such the appeal is devoid of merit and accordingly dismissed. However, nothing stated hereinbefore shall cause prejudice to right of the claimants if they file an appeal for enhancement of compensation.

(Rekha Mittal)
Judge

17.10.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No