

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

-.-

FAO No. 302 of 2018

Date of decision: 18.01.2018

United India Insurance Company Limited

..... Appellant

Versus

Om Parkash and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Ashwani Talwar, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 18.09.2017 passed by the Motor Accidents Claims Tribunal, Sonipat (in short, 'the Tribunal') whereby compensation has been awarded in regard to death of Udey Singh in a motor vehicular accident that took place on 03.09.2015.

Counsel for the appellant has submitted that the appeal has been preferred to assail quantum of compensation primarily on two counts. It is argued that the Tribunal has allowed increase in income for future prospects to the extent of 50% as against 40%, admissible in the light of latest judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270.*** Compensation awarded under conventional heads needs to be restricted to Rs.70,000.00.

I have heard counsel for the appellant and perused the paper

book particularly the award.

Contentions raised by counsel are meritorious in the light of enunciation laid down in *Pranay Sethi's* case (supra). The claimants shall be entitled to benefit of increase in income for future prospects at the rate of 40% and compensation under conventional heads to the tune of Rs.70,000.00. Accordingly, loss of dependency comes to Rs.20,79,000.00 (Rs.19,80,000.00 i.e. $11,000 \times 12 \times 15$ + Rs.7,92,000 (40% future prospects) – Rs.6,93,000.00 ($1/4^{\text{th}}$ deduction). Total compensation is Rs.21,49,000.00 (Rs.20,79,000.00 + Rs.70,000.00). The compensation awarded by the Tribunal is reduced to the extent of Rs.3,03,500.00 (Rs.24,52,500-21,49,000.00).

The appeal is partly allowed in the aforesaid terms.

Before parting with the order, it is pertinent to mention that that compensation has been reduced to the extent of Rs.3,03,500.00 without notice to the respondents. However, the claimants would be at liberty to file an application before this Court if they have any grievance to express. It is clarified that any observations made herein before shall not cause prejudice to the claimants if they prefer an appeal for enhancement.

(Rekha Mittal)
Judge

18.01.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No