

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

FAO No. 3062 of 2018

Date of decision : November 15, 2018

Shiksha Devi and another

..... Appellants

v.

Mohan Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Diwan S Adlakha, Advocate
for the appellants.

Mr. Rajnish Malhotra, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation on account of death of Balwan Singh on 1.11.2015 in a road vehicular accident. Since the issue raised is of quantum, further reference to the detailed facts would not be necessary.

Counsel for the appellants has argued that in view of the judgment of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, future prospects of 25% had to be awarded. I find this to be correct and award the same.

Counsel for respondent No.3, however, points out under the conventional heads, a sum of ₹ 1.80 lakh has been awarded, whereas in view of the decisions of the Supreme Court in Pranay Sethi and others' case

(supra) and in Civil Appeal No.9581 of 2018, Magma General Insurance Company Ltd vs Nanu Ram @ Chuhru Ram and others, decided on 18.9.2018, only a sum of ₹ 1.10 lakh has to be awarded. Counsel for the appellants is not in a position to deny this. In the circumstances, a sum of ₹ 80,000/- is deducted from the amount awarded under conventional heads. Further, in view of the decisions in Pranay Sethi and others' case (supra) and Magma General Insurance Company Ltd's case (supra), rate of interest would be 12% pa from the date of application till the date of payment. The remaining award shall remain unchanged. This appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

November 15, 2018
'kk'

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No