

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

259

FAO-3174-2018 (O&M)
Date of Decision : 9.10.2018

Priyanka and others

....Appellants

vs.

Dharmender Singh and otherss

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Manish Mehta, Advocate
for the appellants.

Mr. M.B.Jain, Advocate
for respondent No.3.

Mr. Punit Jain, Advocate
for respondent No.5.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 6.11.2017 passed by Motor Accident Claims Tribunal, Narnaul awarding compensation of Rs. 13,11,000/- alongwith interest at the rate of 9% per annum on account of death of Prem Kumar in an accident.

Since limited points have been urged detailed reference to the facts is not required.

Counsel for the appellants states that nothing has been awarded under future prospects and in view of the Constitution Bench judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* 40% future prospects has to be granted. Counsel for the respondent No.3 is not in a position to

deny this fact. Consequently, I award 40% future prospects.

Counsel for the appellants further states that under the conventional heads Rs. 15,000/- has been granted. Counsel for the appellants has put reliance on the judgment of the Supreme Court in “*Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others*” in *Civil Appeal No. 9581 of 2018* decided on 18.9.2018 and states that apart from that consortium for the wife, filial consortium has to be granted to the appellants No. 2, 3 and 5 that are minor son, minor daughter and mother and if that was done a sum of Rs. 1,90,000/- has to be awarded under conventional heads. Counsel for the insurance companies are not in a position to deny this fact. Therefore, I award Rs. 1,75000/- more under this head.

Counsel for the appellants further points out that in the judgment of Magma General Insurance Company Limited (supra) the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the entire compensation from the date of filing of the claim petition till the date of payment.

The appeal stands disposed of with the abovesaid modifications.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

9.10.2018
anuradha

(AJAY TEWARI)
JUDGE

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