

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

FAO No. 3518 of 2018

Date of decision : November 20, 2018

Sandeep Kaur and others

..... Appellants

v.

Gurmit Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Achin Gupta, Advocate
for the appellants.

Mrs. Vandana Malhotra, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed for enhancement of compensation on account of death of Baljit Singh in a motor vehicular accident which took place on 4.5.2014. Since the issue raised is of quantum, further reference to the detailed facts would not be necessary.

Counsel for the appellants has argued that the Tribunal erred in not granting any future prospects. As per him, in view of the judgment of the Supreme Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(4) RCR (Civil) 1009, 40% had to be awarded on account of future prospects. Counsel for the Insurance Company is not in a position to deny this. Consequently, I direct that future prospects of 40% be granted in this case.

Counsel for the appellants has further argued that even for the medical expenses incurred on the treatment of the deceased before his death, only the amount of bills has been awarded and nothing has been awarded on account of hospitalization, special diet, transportation and attendant. I find it to be correct and award a sum of ₹ 35,000/- on this account.

Counsel for the appellants has further argued that in view of the latest decision of the Supreme Court in Civil Appeal No.9581 of 2018, Magma General Insurance Company Ltd vs Nanu Ram @ Chuhru Ram and others, decided on 18.9.2018, interest @ 12% pa has to be granted. Counsel for the Insurance Company is not in a position to dispute this. Consequently, I award interest @ 12% pa on the enhanced amount from the date of the claim application till the date of payment. However, the appellants would not be entitled for interest for the period this appeal was delayed in this Court.

Counsel for the appellants has further argued that under the conventional heads, only a sum of ₹ 1.25 lakh has been awarded. In the present case, apart from the widow and two minor children, aged mother was also there. In the circumstances, a sum of ₹ 40,000/- each is awarded to the appellants for filial consortium/consortium and a sum of ₹ 30,000/- for funeral expenses and loss of estate. In the net result, there would be increase of ₹ 65,000/- under the conventional head.

As regards apportionment, apart from the individual amount/s, appellant No.1 would be entitled to 40% and the other appellants would be entitled to 20% each. The amount coming to the share of the minors would be put in a fixed deposit in any nationalized bank till they attain majority.

The remaining award would remain the same. This appeal stands disposed

of.

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

November 20, 2018
'kk'

(AJAY TEWARI)
JUDGE

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