

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 6506 of 2017(O&M)

Date of Decision: August 02 , 2018.

Balram Raj

..... APPELLANT (s)

Versus

Rajinder Kaur and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vinod K.Kaushal, Advocate
for the appellant.

Mr. Simran Singh Bawa, Advocate
for respondents No.1 to 4/caveators.

LISA GILL, J.

Notice of CM No.20870-CII of 2017 for condonation of delay of three days in refiling of the appeal. Notice of motion in the main appeal as well.

Mr. Simran Singh Bawa, Advocate accepts notice on behalf of respondents No.1 to 4/caveators. A complete copy of the paperbook has been supplied to him.

For the reasons mentioned in CM No.20870-CII of 2017 and arguments addressed, delay of three days in refiling of the appeal is condoned.

This appeal has been filed by the owner of the offending vehicle challenging award dated 06.04.2017 passed by the learned Motor Accident Claims Tribunal, Amritsar (for short, the 'Tribunal').

Claimants/respondents No.1 to 4 had filed a petition under Section

166 of the Motor Vehicles Act seeking compensation on account of the death of Pritpal Singh in a motor vehicle accident which took place on 14.08.2016 due to the rash and negligent driving of the offending vehicle (mini Bus) by respondent No.5 – Jasvir Singh @ Jassa. The Mini Bus was not insured. Learned Tribunal concluded that the accident took place due to the rash and negligent driving of the offending vehicle by the said respondent and awarded a total sum of ₹74,57,148/- as compensation to the claimants. Aggrieved therefrom, this appeal has been filed by the owner of the offending vehicle.

Sole argument raised by learned counsel for the appellant is that in view of the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680**, the learned Tribunal has erred in awarding a sum of ₹1,00,000/- on account of loss of consortium to the claimant-wife, ₹25,000/- on account of funeral expenses and ₹50,000/- for loss of love and affection, whereas the claimants are entitled only to a sum of ₹70,000/- under the conventional heads i.e. ₹40,000/- on account of loss of consortium to claimant-wife and ₹15,000/- each towards funeral expenses and loss of estate. Therefore, the compensation on account of the conventional heads needs to be reduced.

Learned counsel for respondents No.1 to 4 does not dispute that the amount of compensation on account of conventional heads is to be reduced to ₹70,000/- instead of ₹1,75,000/- in view of the judgment of the Hon'ble Supreme court in **Pranay Sethi** (supra).

Keeping in view the facts and circumstances as well as the stand of learned counsel for the parties, award dated 06.04.2017 passed by the learned

Motor Accident Claims Tribunal, Amritsar is modified to the extent that instead of ₹1,75,000/- awarded on account of loss of consortium, funeral expenses and loss of love and affection, the claimants/respondents No.1 to 4 shall be entitled to a sum of ₹70,000/- i.e. ₹40,000/- on account of loss of consortium to claimant-wife and ₹15,000/- each towards funeral expenses and loss of estate. Rest of the compensation awarded under various heads shall remain intact. Resultantly, the claimants shall be entitled to compensation of ₹73,52,148/- instead of ₹74,57,148/-. Rest of the directions of the learned Tribunal shall enure.

With the modification in the amount of compensation as above, appeal is accordingly disposed of.

August 02 , 2018.
'om'

(LISA GILL)
JUDGE

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