

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

244

FAO-6822-2017

Date of Decision : 4.7.2018

Smt. Suresh Devi and others

....Appellants

vs.

Daya Nand and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Gourav Jain, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed for enhancement of compensation.

Since there is no dispute regarding liability, I do not deem it appropriate to issue notice to the respondents No. 1 and 2.

On the asking of the Court Mr. Amit Goyal, Advocate accepts notice on behalf of respondent No.3-Insurance company.

Counsel for the appellants supplied a copy of the paper book to the learned counsel for the respondent No.3.

Counsel for the respondent No.3 states that he would have no objection if the appeal is decided since the issue involved is very small.

The first issue which has been raised is that of inadequacy of the income which has been taken to be Rs. 6000/- by the Court below. Counsel for the respondent No.3 has very fairly accepted that this should be Rs.7600/-. He however points out that as per the Constitution Bench judgment of the Supreme Court in the matter of "National Insurance

Company Limited vs. Pranay Sethi and others 2017 SCC 1270 the future prospect had to be 25% instead of 30% which was awarded by the Tribunal. He further states that on account of conventional heads a sum of Rs. 1,18,800/- extra has been awarded.

Learned counsel for the appellants is not in a position to deny these aspects.

Consequently, the appeal is disposed of with the modification that the income would be taken as Rs. 7600/- instead of Rs.6000/- but future prospect would be fixed as 25% instead of 30% and compensation under the conventional heads would be Rs. 70,000/- instead of Rs.1,88,800/-. The rate of interest would remain unchanged.

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

4.7.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No