

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

274

FAO No.8631 of 2017 (O&M)
Date of Decision : 21.11.2018

Sneha and others

..... Appellants

Versus

Suresh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Swati, Advocate for
Mr. J.S.Saneta, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 28.07.2017 passed by the Motor Accident Claims Tribunal, Panipat granting compensation of Rs.10,40,688/- along with interest @9% per annum in favour of the appellants and against the respondents.

Since a very limited point has been raised further detailed reference to the facts is not necessary.

Counsel for the appellants has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 40% had to be awarded on account of future prospects. I find this to be indeed so. It is held that 40% has to be awarded towards future prospects.

Counsel for the appellants states that under the conventional heads the tribunal has awarded a sum of Rs.1,35,000/- under conventional heads and as per the judgment passed in ***Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018***, filial consortium had to be awarded to the widow, mother and one minor daughter and once that is taken into consideration the compensation under the conventional heads would be Rs.1,50,000/- (i.e. Rs.40,000/- each under consortium/filial consortium plus Rs.30,000/- for loss of estate and funeral expenses) instead of Rs.1,35,000/-. Counsel for respondent No.3 is not in a position to deny this. I accept this argument. I award Rs.15,000/- more under the conventional head.

Counsel for the appellants states that interest @9% per annum has been awarded whereas in ***Magma General Insurance Company Ltd. supra***, the Supreme Court had awarded interest @12% per annum. In the circumstances, the enhanced compensation would carry interest @12% per annum.

Out of the enhanced amount 50% will go to appellant No.1-widow, 40% will go to appellant No.2-minor daughter and 10% will go to appellant No.3-mother. The share of minor will be put in a fixed deposit till she attain the age of majority. Rest of the award shall remain unchanged.

Appeal is allowed in the above terms and the award is modified accordingly.

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

21.11.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

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