

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

Sr. No.224

FAO-2183-2010 (O&M)
Date of decision: 11.03.2019

Charno Devi and others

....Appellants

versus

Mukesh Sharma and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Bhavdeep Singh Mamli, Advocate for
Mr. R.S. Mamli, Advocate
for the appellants.

None for respondent No.1.

Mr. Pardeep Goyal, Advocate
for respondent No.3.

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DEEPAK SIBAL, J. (Oral)

Through the present appeal, the appellants/claimants seek enhancement in the compensation awarded to them by the Motor Accident Claims Tribunal, Yamuna Nagar (for short – the Tribunal).

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 08.10.2008 Chanda Ram (since deceased) was going on a motorcycle to his village. At about 6.30 P.M. when he reached in the area of village Ishopur on Saharanpur Kurukshetra road, a truck bearing registration No. HR-69-0045 (for short – the offending vehicle) hit his motorcycle as a result of which he received multiple injuries to which he later succumbed in the hospital. The appellants

filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 in which petition, the Tribunal, after concluding that the offending vehicle was being driven in a rash and negligent manner, went on to assess the payable compensation, the enhancement of which is sought through the present appeal.

Learned counsel for the appellants submits that since at the time of his death Chanda Ram was 46 years of age, the appellants are entitled to future prospects @ 25% on his assessed income as also a cumulative sum of Rs.70,000/- under the conventional heads of “loss of consortium”, “loss of estate” and “funeral expenses”.

Learned counsel for the respondent-Insurance Company submits that just and fair compensation has already been granted to the appellants by the Tribunal.

In view of the law laid down by the Hon'ble Apex Court in **National Insurance Company Limited vs. Pranay Sethi and others – (2017) 16 SCC 680**, this Court finds merit in the afore submissions made by learned counsel for the appellants. Since at the time of his death in the aforesaid accident Chanda Ram was 46 years of age, the appellants are held entitled to the grant of future prospects @ 25% on his assessed income. It is further directed that the appellants shall also be granted a cumulative sum of Rs.70,000/- under the conventional heads, “loss of consortium”, “loss of estate” and “funeral expenses”.

No other point was urged.

On the enhanced amount, the appellants are held entitled to interest @ 6.5% per annum from the date of filing of the claim petition by

them before the Tribunal till the date of its realization.

The appeal is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

March 11, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No