

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1341-2014 (O & M)

Date of Decision:26.03.2019

Shriram General Insurance Company Limited

...appellant

Versus

Rama Shankar Pandey and others

.....respondents

CORAM: HON'BLE MR.JUSTICE DEEPAK SIBAL

Present: Mr.Ashwani Talwar, Advocate
Ms.Swati Arora, Advocate and
Ms.Priyadeep, Advocate
for the appellant

None for respondents No.1 and 2

Mr.Shiva Khurmi, Advocate
for respondents No. 3 and 4

DEEPAK SIBAL, J. :

The present appeal is at the instance of the Insurance Company, seeking therein reduction in the compensation awarded to the respondents-claimants by the Motor Accident Claims Tribunal, Gurgaon (for short, 'the Tribunal').

The facts in brief which are required to be noticed for adjudicating upon the present appeal are that on 17.10.2012, at about 09.00 AM, Manjeet Pathak, on his motorcycle was going towards M/s Blue Star Pvt.Limited, Gurgaon. Raj Ranjan was the pillion rider. At about 09.40 AM, when they reached near L & T Company, Ramgarh Chowk, Badshahpur, Gurgaon, a vehicle bearing registration No.HR-74-5836 (for short, 'the offending vehicle'), hit their motorcycle, as a result of which they fell down and received grievous injuries. Manjeet Pathak died as a result of such injuries. A claim petition under Section 166 of the Motor Vehicles

Act, 1988 was preferred by respondents No.1 and 2, in which the Tribunal, after concluding that the vehicle was being driven in a rash and negligent manner, assessed the payable compensation, which is sought to be reduced through the present appeal.

Despite service, no one has appeared on behalf of respondents No.1 and 2/claimants.

Learned counsel for the appellant submitted that since the deceased at the time of death, was a 22 year old bachelor and was in private employment, the Tribunal erred in granting future prospects to respondents No.1 and 2/claimants @ 50%, as also Rs.2,25,000/- under the conventional heads. According to him, future prospects @ 40% and Rs.30,000/- as compensation under the conventional heads could have only been granted.

In view of the law laid down by the Hon'ble Apex Court in *National Insurance Company Limited v. Pranay Sethi and others, (2017) 16 SCC 680*, the above submissions made on behalf of the appellant are found to have merit. Accordingly, the impugned award is modified to the extent that on the assessed income of the deceased, respondents No.1 and 2/claimants are held entitled to the grant of future prospects @ 40% instead of 50% and under the conventional heads to an amount of Rs.30,000/- instead of Rs.2,25,000/-.

No other point was urged.

The appeal is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

March 26, 2019

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Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No