

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204

FAO-4770-2016 (O&M)

Date of decision : 11.03.2019

Universal Somp General
Insurance Co. Ltd.

..... Appellant

VERSUS

Kuljit Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Chandan Deep Singh, Advocate, for the appellant.

Mr. G. S. Sandhu, Advocate, for respondents No. 1 and 2.

DEEPAK SIBAL, J. (ORAL)

The Insurance Company has filed the present appeal seeking therein reduction in the compensation awarded by the Motor Accident Claims Tribunal, Ludhiana (for short, the Tribunal) through its award dated 18.04.2016.

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 09.10.2014, between 9 to 9:15 AM, Jasvir Singh (since deceased) alongwith his daughter Samandeep Kaur was going from village Kalalon to Ludhiana on his motorcycle bearing registration No. PB-19B-7919. When they reached village Dhaipai, a car bearing registration No. PB-10CX-3822 (for short, the offending vehicle) struck against their motorcycle as a result of which both Jasvir Singh and his daughter Samandeep Kaur fell on the road and received multiple injuries. They were taken to Sarabha Hospital, Ludhiana where both of them succumbed to their injuries. Respondents No. 1 and 2/claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 in which the Tribunal, after concluding that the accident in question had been caused

due to the rash and negligent driving of the offending vehicle, assessed the payable compensation, the reduction in which (only in the case of Jasvir Singh) is sought through the present appeal. Admittedly, no appeal has been filed by the appellant in the case of Samandeep Kaur.

Learned counsel for the appellant submits that since Jasvir Singh was admittedly 50 years of age, on his assessed income “future prospects” @ 10% should have been granted and not @ 50% as granted by the Tribunal. Further, under the conventional heads of “loss of consortium”, “loss of love and affection” and “funeral expenses” a cumulative sum of ₹2,25,000/- had been granted whereas respondents No. 1 and 2/claimants were entitled only to ₹1,10,000/- including “filial consortium”.

Learned counsel for respondents No.1 and 2/claimants submits that in view of the recent pronouncement by the Hon'ble Supreme Court in “*National Insurance Company Limited vs. Pranay Sethi and others*” (2017) 16 SCC 680 as also in “*Magma General Insurance Company Ltd. vs Nanu Ram @ Chuhru Ram and others*”, 2018(9) JT 195, the above submissions made by learned counsel for the appellant deserve acceptance.

In view of the consensus between the parties as also in view of the law laid down by the Hon'ble Apex Court in *Pranay Sethi's* case (supra) and *Magma's* case (supra), the impugned award is modified to the extent that respondents No. 1 and 2/claimants are held entitled to compensation towards “future prospects” on the assessed income of the deceased-Jasvir Singh only to the extent of 10% and not 50% as admittedly at the time of his death Jasvir Singh was 50 years of age. Further, under the conventional heads instead of ₹2,25,000/-, as granted by the Tribunal, respondents No. 1 and

2/claimants are held entitled to only a cumulative sum of ₹70,000/- as also a further amount of ₹40,000/- towards “filial consortium”.

The appeal is allowed in the above terms.

11.03.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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