

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

Sr. No.220

FAO-8117-2015 (O&M)
Date of decision: 07.05.2019

Geeta Rani and others

....Appellants

versus

Trilok Chand and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Aditya Yadav, Advocate
for the appellants.

Mr. Rajnish Malhotra, Advocate
for respondent No.3-Insurance Company.

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DEEPAK SIBAL, J. (Oral)

The present appeal has been preferred by the claimants seeking therein enhancement in the compensation awarded to them by the Motor Accident Claims Tribunal, Rewari (for short – the Tribunal).

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 29.07.2013 Naresh Kumar (since deceased) alongwith one Sandeep Kumar was returning home on a motorcycle being driven by Sandeep Kumar. At about 08.15 a.m., when they reached near the canal in the area of village Khera Alampur, a bus bearing registration No. DL-1-PC/5177 (for short – the offending vehicle) struck against the motorcycle resulting in grievous injuries to both of them. Naresh Kumar was taken to the hospital where he was declared as brought dead. The appellants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal which after concluding that the offending vehicle was being driven in a rash and negligent manner, assessed

the compensation payable to the appellants by the respondent-Insurance Company.

The only submission raised by learned counsel for the appellants is that as per the law laid down by the Hon'ble Apex Court in **National Insurance Company Limited vs. Pranay Sethi and others – (2017) 16 SCC 680**, the appellants are entitled to future prospects @ 40% to the assessed income of the deceased.

Learned counsel appearing on behalf of the respondent-Insurance Company does not dispute the proposition of law laid down in **Pranay Sethi's case (supra)**.

In view of the above, the impugned award is modified to the extent that the appellants are held entitled to the grant of future prospects @ 40% to the income of the deceased as assessed by the Tribunal.

To the amount enhanced through the present order, the appellants are also 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**

May 07, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No