

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 219

FAO-8398-2015

Date of decision : 11.04.2019

Ranjit Kaur and others

.....Appellants

VERSUS

Sat Pal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Divyadeep Walia, Advocate, for the appellants.

Mr. Vinod Gupta, Advocate, for respondent No. 3.

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DEEPAK SIBAL, J. (ORAL)

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

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that, on 14.02.2015, Balwinder Singh (deceased) was coming towards his house on foot and his elder brother Lakhwinder Singh was following him on a bicycle. At about 2:00 p.m. when Balwinder Singh reached in front of Gurdwara in Main Market of Barara, District Ambala, a Haryana Roadways bus bearing registration No.HR-65-4315 (for short, the offending vehicle) hit him as a result of which he suffered multiple grievous injuries to which he later succumbed. The appellants filed a claimed petition under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal, which, after concluding that the offending vehicle was being driven by its driver rashly and negligently, went on to assess the payable compensation, the enhancement of which is sought through the present appeal.

Learned counsel for the parties have been heard.

The only issue raised by learned counsel for the appellants is that the Tribunal has erred in not granting “future prospects” on the assessed income of the deceased.

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, the above submission made on behalf of the appellants merits acceptance. Since at the time of his death the deceased was 46 years, it is directed that the appellants be granted compensation after adding “future prospects” @ 25% to the deceased's assessed income.

On perusing the impugned award, it is found that under the conventional heads of “loss of consortium”, “loss of love and affection” and “funeral expenses” the Tribunal has granted the appellants a total amount of ₹2,75,000/- which in view of *Pranay Sethi's* case (supra) is reduced to ₹70,000/-.

On the amount of compensation which would be enhanced through this order, the appellants are held entitled to interest at the same rate as granted by the Tribunal, from the date of filing of the claim petition till its realization.

No other point was urged.

The appeal is allowed in the above terms.

11.04.2019  
shamsher

[ DEEPAK SIBAL ]  
JUDGE

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