

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

FAO-5519-2017 (O&M)

Date of decision : 26.02.2019

IFFCO TOKIO General
Insurance Co. Ltd.

..... Appellant

VERSUS

Bala and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ajay Singla, Advocate, for the appellant.

None for the respondents.

DEEPAK SIBAL, J. (ORAL)

The appellant-Insurance Company has preferred the present appeal against the compensation awarded through the award dated 05.05.2017, passed 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 07.11.2015 at about 2 p.m. Kailash alongwith Vinod and Vishnu was going on a motorcycle bearing registration No. HR-51AJ-6734. When they reached ahead of bus stand of village Nangal, a Maruti Car bearing registration No. HR-36W-5314 (for short, the offending vehicle) struck the aforesaid motorcycle resulting in serious injuries to its riders. On 08.11.2015 Kailash succumbed to his injuries occasioning the filing of a claim petition by the respondents/claimants under Section 166 of the Motor Vehicles Act, 1988 (for short, the Act). In such claim petition, after concluding that the accident in question had been caused due to the rash and negligent driving of the offending vehicle, the Tribunal assessed the compensation payable to the respondents/claimants.

Learned counsel for the appellant submits that since the deceased was self-employed and 42 years of age, “future prospects” at the rate of 25% and not 30% could have been awarded and that only a cumulative sum of ₹70,000/- could have been granted to the respondents/claimants under the conventional heads of “loss of consortium”, “loss of love and affection” and “funeral expenses”.

None has appeared on behalf of the respondents.

After going through 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 appellant. Accordingly, it is directed that “future prospects” only at the rate of 25% instead of 30% as granted by the Tribunal be added to the assessed income of the deceased. It is further directed that instead of ₹2,25,000/- the respondents/claimants shall be entitled to a cumulative sum of ₹70,000/- under the conventional heads of “loss of consortium”, “loss of love and affection” and “funeral expenses”.

No other point was urged.

The present appeal is allowed in the above terms.

26.02.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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