

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 101

Case No. : F. A. O. No. 6167 of 2017

Date of Decision : January 09, 2019

Tripti Devi and another		Appellants
vs.		
Parvez Khan and others		Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Sachin Ohri, Advocate
for the petitioner.

None for respondents no. 1 and 2.

Mr. Pradeep Kumar, Advocate
for respondent no. 3.

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DEEPAK SIBAL, J. (Oral) :

Through the present appeal, the appellants/claimants seek enhancement in the compensation awarded by the Motor Accident Claims Tribunal, Pathankot (for short – the Tribunal) on the petition preferred by them under Section 166 of the Motor Vehicles Act, 1988 (for short – the Act) on account of death of Sahil in a motor vehicular accident which took place on 29.06.2016 at about 08:00 AM in the area of Nalwa Pul, Tehsil and District Pathankot.

Learned counsel for the appellants, after relying on a recent judgment of the Hon'ble Supreme Court in National Insurance Company Ltd. vs. Pranay Sethi and others – (2017) 16 SCC 680, submits that the

only claim that he presses before this Court in the present appeal is the grant of future prospects @ 40% on the assessed income of the deceased.

Learned counsel for the respondent – Insurance Company submits that since the income of the deceased was notionally assessed, no future prospects should be granted.

At the time of his death in the aforesaid motor vehicular accident, deceased Sahil was in the final year of a course of Welder Trade at ITI, Pathankot and after considering this fact, the Tribunal assessed his income to be Rs.8,000/- per month. Once his income, notionally or otherwise, was assessed by the Tribunal, which has not been challenged by way of any appeal or cross-objections by the respondent – Insurance Company, the claimants would be entitled to future prospects as well. Accordingly, since the deceased was 20 years of age, the appellants are held entitled to the grant of future prospects @ 40% on the assessed income of the deceased. They are also held entitled to interest @ 6.5% per annum from the date of filing of the Claim Petition till the realization of the enhancement.

No other point was urged.

The appeal stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

January 09, 2019
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>