

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

FAO No. 59 of 2018 (O&M)

Date of decision : January 22, 2019

Neha and another

.....Appellants

Versus

Saleem and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajiv Kumar Saini, Advocate for the appellants.

Mr. Rajbir Singh, Advocate for respondent No. 3.

LISA GILL, J.

Present appeal has been filed by the claimants for enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as the 'Tribunal') on account of death of Rajat vide award dated 03.08.2017.

Brief facts necessary for adjudication of the case are that the claimants i.e. parents of the deceased filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Rajat on 05.06.2016 in a motor vehicle accident caused due to driving of the offending vehicle Truck bearing registration No. HR-46-D-5678 by respondent No.1 in a rash and negligent manner.

Learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place on 05.06.2016 due to rash and negligent driving of the offending Truck bearing registration No. HR-46-D-5678 by respondent No. 1. Learned Tribunal awarded a sum of ₹13,21,000/- with interest at the rate of 7.5% per annum from the date of filing of the claim petition till date of actual realisation of the award.

Learned Tribunal calculated the monthly income of the deceased with an

increment of 50% on account of future prospects, however, it was directed that a sum of ₹8,89,000/- alongwith interest be released to the claimants. Remaining amount of ₹4,32,000/- alongwith interest, which was calculated after making addition in income towards future prospects, was ordered to be deposited in a fixed deposit carrying maximum interest in a nationalised bank, to be released in favour of the deserving party after decision of the Hon'ble Supreme Court in **National Insurance Co. Vs. Pushpa 2015 (SCC) 166.**

Learned counsel for the appellants submits that in terms of judgment of the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009,** he does not press this appeal though it is submitted that the amount calculated on account of increment towards future prospects directed to be deposited in the fixed deposit by the learned Tribunal be released while calculating the future prospects at the 40%. Furthermore, the claimants be awarded a sum of ₹15,000/- each on account of loss of estate and funeral expenses instead of ₹25,000 awarded on account of funeral expenses. The amount in question which stands deposited before the learned Tribunal, it is prayed, thus be released to the claimants.

Learned counsel for the respondent - insurance company does not raise any objection thereto.

This appeal is dismissed as not pressed with a direction to the learned Tribunal to release the said amount after calculation as above.

(Lisa Gill)
Judge

January 22, 2019
rts

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