

Sham Lal and others Vs. Rohit Arora and another

Present:- Mr. Anil Kumar Sephia, Advocate for the appellants.

Mr. Vinod Gupta, Advocate &
Mr. Paul S. Saini, Advocate with
Ms. Pushpa Bhardwaj, Manager,
Ms. Manju Gupta, Dy. Manager
Mr. Vishal Malhotra, Legal Officer
for New India Assurance Co. Ltd.

The appellants have filed the present appeal against the award of ₹9,72,000/- passed by the Motor Accident Claims Tribunal, Jalandhar 30.04.2018 seeking enhancement of compensation on account of the death of their son namely Amardeep, aged about 26 years, a Mechanic, in a motor vehicular accident that had taken place on 13.03.2017.

Learned counsel for the appellant contends that the learned MACT has fallen in error in assessing the notional income of Rs.7,000/- per month though the deceased was mechanic and higher pay scale was required to be considered to determine the compensation. Further contention is that the future prospectus @ 40% was also required to be added in view of the judgment of Hon'ble the Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** The medical bills Stated to have also not been considered while awarding the compensation. Further contention is that though enhancement comes to more than Rs.5 lakhs but the appellant would be satisfied if another sum of ₹4,50,000/- more, over and above, the amount already awarded by the MACT concerned, is granted to the appellant in full and final satisfaction of the claim in the present appeal and in that eventuality the appellant would give up his claim regarding interest on the enhanced amount from the date of filing of the petition before the MACT, which is 20.04.2017 for more than 2½ years.

We dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque in the sum of ₹4,50,000/- (Rupees Four lakhs Fifty thousand only) in the name of the appellant No.1-Sham Lal son of Hari Ram with the office of the Lok Adalat of the High Court on or before 12.12.2019 failing which the amount will carry 9% interest p.a. from the date of this order till the cheque is deposited with the office of the Lok Adalat. The appellant's counsel/appellant may collect the cheque from the office of the Lok Adalat.

Copy of the order/statement be supplied /sent to the counsel/parties and file be returned to the High Court.

(J.C. Verma)
President

(Arvind Kumar)
Member

31.10.2019
Atul