

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

**FAO-779-2018 (O&M)
Date of Decision : 18.11.2019**

Reliance General Insurance Company Appellant

Versus

Sheela Devi and others Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Sanjeev Kodan, Advocate
for the appellant.

Mr. Rahul Makkar, Advocate
for respondent No.2.

RAMENDRA JAIN, J. (Oral)

Appellant-Insurance Company has preferred this appeal against award dated 13.12.2017 of the Motor Accident Claims Tribunal, Jhajjar (in short 'the Tribunal'), awarding compensation of Rs.14,53,400/- alongwith interest @ 7% per annum from the date of filing of claim petition till realization, holding joint and several liability to pay the same by appellant driver and owner of the offending car.

Learned counsel for appellant inter alia contends that learned Tribunal illegally considered the monthly income of deceased at Rs.7200/- ignoring unambiguous statement of PW2 Dinesh Kumar, executive of the employer of deceased that deceased was paid Rs.6153/- per month. That apart, learned Tribunal has illegally added 50% towards future prospects of deceased, ignoring the fact that he was a bachelor. The same ought to have been 40%. Learned Tribunal also illegally awarded Rs.40,000/- towards loss of love and affection, ignoring the factum laid down in *National Insurance Company Ltd. Vs. Pranay Sethi and others*, 2017 (4) RCR (Civil) 1009. Producing calculation Mark 'A', learned counsel for appellant

further submitted that respondent Nos.1 and 2-claimants, being parents of deceased Sombir, are entitled to only Rs.11,77,312/- as compensation. Therefore, the impugned award is liable to be modified and compensation amount of Rs.14,53,400/-, awarded to respondent Nos.1 and 2 is to be reduced to Rs.11,77,312/-.

Learned counsel for respondent Nos.1 and 2-claimants has not been able to refute the above submissions and point out any infirmity in the above calculations Mark 'A'.

Relying upon the judgment of ***Pranay Sethi's case*** (*supra*), the compensation, awarded to respondent Nos.1 and 2-claimants is modified. They are held entitled to Rs.11,77,312/- instead of Rs.14,53,400/- which shall be deposited by appellant-Insurance Company within one month from today, along with up-to-date interest @ 7.5% per annum from the date of filing of claim petition till realization, for onward disbursement to the appellant-claimants, in proportion so arrived at by it, in accordance with law against proper receipt and identification.

In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with interest @15% per annum from the date of expiry of one month.

Disposed of.

(RAMENDRA JAIN)
JUDGE

18.11.2019
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No