

(Through Video Conferencing)

FAO No. 2920 of 2017 (O&M)

Date of Decision: 15.02.2021

New India Assurance Company Limited

.....Appellant

Versus

Kulwant Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Talwar, Advocate, for the appellant.

Mr. J.S. Bhandohal, Advocate, for respondents No.1 & 2.

Mr. Ravi K. Mattoo, Advocate, for respondent No.3.

Mr. Raj Kaushik, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI, J. (ORAL)

After arguing for some time, learned counsel for the appellant has only restricted his arguments with regard to the quantum of compensation, which has been awarded in favour of the claimants.

Learned counsel for the appellant submits that he has a grievance with regard to grant of ₹1.00 Lakh on account of love and affection whereas, as per the settled principle of law, the same cannot be more than ₹80,000/-.

Learned counsel for the appellant further submits that for the future prospects, respondent Nos.1 and 2/claimants have been granted 50% amount, which cannot be more than 40% as per the settled law. Learned counsel for the appellant further submits that as per the law, the claimants/respondent Nos.1 and 2 are entitled to ₹3,24,000/- on account of future prospects instead of ₹4,05,000/-.

Learned counsel for the claimants/respondent Nos.1 & 2 submits that he has no objection in case the prayer of the appellant is accepted and the claimants are granted ₹80,000/- instead of Rs.1.00 Lakh on account of love and affection and are granted ₹3,24,000/- instead of ₹4,05,000/- on account of future prospects and the award under challenge is modified to said extent.

That being so, the award dated 11.01.2017 passed by the Motor Accident Claims Tribunal, Patiala (for short, MACT, Patiala), is modified to the extent that in the chart given in paragraph 18 of the award at serial No.4 for love and affection, the claimants are held entitled to ₹80,000/- and para 25 (v) of the impugned award dated 11.01.2017 is also amended that on account of future prospects, the claimants will be entitled to ₹3,24,000/- as compensation instead of ₹4,05,000/-,

The award is amended accordingly. The parties are agreed that keeping in view the above amendments, the claimants will be entitled for a sum of ₹12,44,000/- alongwith interest as granted by the MACT, Patiala in the impugned award.

The appeal is disposed of in the above terms.

Since the main appeal is disposed of, pending miscellaneous application, if any, has been rendered infructuous and disposed of as such.

(HARSIMRAN SINGH SETHI)
JUDGE

15.02.2021
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No