

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 3676 of 2006

Appellant :- Smt. Laungshree And Others

Respondent :- Om Prakash Sharma And Others

Counsel for Appellant :- S.C. Keserwani, Krishna Mohan Rai

Hon'ble Saral Srivastava, J.

Order on Order Sheet.

In view of the office report dated dated 13.10.2023, service of notice upon respondents is deemed to be sufficient.

Order on Appeal.

1. List has been revised. Sri Krishna Mohan Rai, learned counsel for the appellants is present. However no one is present on behalf of the respondents.
2. Heard learned counsel for the claimants/appellants.
3. The present appeal has been preferred by the claimants/appellants for enhancement of award.
4. It is submitted by the learned counsel for the claimants/appellants that no amount towards future prospect has been awarded by the Tribunal whereas deceased was a government employee, therefore, Tribunal should have awarded 15% towards future prospect to the claimants/appellants in view of the judgement of Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and Others 2017 (16) SCC 680***. Lastly, it is urged that Tribunal has erred in law in awarding interest from the date of passing of the award whereas it is settled in law that interest on the awarded amount shall be awarded from the date of institution of claim petition.
5. Be that as it may, the submission of learned counsel for the claimants/appellants in respect of non-granting of any amount towards future prospect has got force in view of the judgement of Apex Court in the case of ***Pranay Sethi (supra)*** and thus, claimants/appellants are entitled to 15% towards future prospect.

6. So far as the submission of learned counsel for the claimants/appellants in respect of awarding interest from the date of filing the claim petition has substance and accordingly, it is provided that the interest shall be paid on the awarded amount from the date of institution of claim petition.

7. It is also provided that enhanced amount of compensation shall carry 6% simple interest from the date of institution of claim petition till the date of its payment.

8. For the reasons given above, the appeal is partly ***allowed*** and award of the Tribunal is modified to the extent as indicated above. The insurance company is directed to pay the enhanced amount of compensation to the claimants/appellants within a period of three months from the date of production of certified copy of this order. There shall be no order as to cost.

Order Date :- 16.10.2023

Sattiyarth