

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 676 of 1998

Appellant :- Smt. Manorama And Others

Respondent :- M/S. Saraiya Sugar Mills Ltd. And Others

Counsel for Appellant :- Vashishtha Tiwari

Counsel for Respondent :- Brijesh Chandra Naik

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellants and learned counsel for the respondents.
2. The present appeal has been filed by the claimants/appellants for enhancement of award.
3. Challenging the award, learned counsel for the appellants has contended that no amount towards future prospect has been awarded by the Tribunal, whereas considering the age of the deceased, i.e., 25 years, the claimants/appellants are entitled to 40% towards future prospect 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**.
4. Per contra, learned counsel for the respondents has submitted that the compensation awarded by the Tribunal is just and adequate and as such, no interference is called for by this Court.
5. I have heard learned counsel for the parties and perused the record.
6. Be that as it may, the submission of learned counsel for the claimants/appellants in respect of future prospect has got force in view of the judgement of Apex Court in the case of **Pranay Sethi (supra)**, and thus, following the aforesaid judgement of Apex Court, this Court holds that the claimants/appellants are entitled to

40% towards future prospect considering the age of the deceased.

7. It is also provided that enhanced amount of compensation shall carry shall carry 6% simple interest from the date of institution of claim petition till 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 :- 18.10.2023

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