

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3992 of 2014
Date of Decision: 17.04.2018

Smt. Manjeet & ors.

... Appellants

Versus

Sandeep Singh & ors.

.. Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the appellants.

Ms. Vandana Malhotra, Advocate,
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J.(Oral)

Claimants through this appeal have sought enhancement of compensation by modifying impugned award dated 14.03.2014 of the Motor Accident claims Tribunal, Narnaul (in short 'the Tribunal').

Heard.

It is not disputed that at the relevant time when the deceased died, the minimum wage was ₹4,500/- per month. Therefore, the finding of the learned Tribunal taking the monthly income at the above rate, is upheld. That apart, keeping in view five dependents upon deceased Mahender Singh, 1/4th deduction has also rightly been made by the learned Tribunal towards his personal expenses.

However, learned Tribunal has not added any amount towards future prospects of the deceased for awarding just compensation to the appellants-claimant. According to the latest judgment of the Hon'ble Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi & ors., 2017(4)

RCR (Civil) 1009, since the deceased was aged 34 years at the time of his death, therefore, 40% has to be added towards future prospects. On adding the same and applying the multiplier of 16 and deducting $1/4^{\text{th}}$, compensation comes to ₹9,07,200/-. Further, a sum of ₹70,000/- has to be added in the said compensation amount under conventional heads of funeral expenses, loss of estate and consortium. Therefore, total compensation payable to the appellants comes to ₹9,77,200/-.

It is not disputed that a sum of ₹6,68,000/- has already been received by the appellants-claimant. Therefore, the appellants are now held entitled to compensation of ₹3,09,200/- along with interest @ 7.5% per annum from the date of institution of the claim petition till realization. The impugned award is modified to this extent.

The Insurance Company is directed to deposit the said amount before the learned Tribunal within two months from today along with interest @ 7.5% per annum from the date of institution of the claim petition till realization for onward disbursement to the appellants in proportion so arrived at by it, in accordance with law against proper receipt and identification.

Non-compliance of this judgment would entail interest @12% per annum from the next two months till realization, only on the enhanced compensation amount.

With the above observation, the appeal stands disposed of.

17.04.2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No