

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

FAO-1150-2003

Date of Decision: 25.09.2019

Babli Rani and others

... Appellants

Vs.

Sat Pal and others

... Respondents

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. A.P. Bhandari, Advocate
for the appellants.

Mr. Gopal Mittal, Advocate
for respondent No.3.

NIRMALJIT KAUR, J. (Oral)

The appellant has come up in appeal before this Court seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as 'the Tribunal') vide award dated 05.12.2002 whereby she has been awarded a compensation of ₹ 2,88,000/- on account of death of her husband in a motor vehicle accident.

Learned counsel for the appellant while praying for enhancement of compensation submitted that the claimants are entitled to 50% future prospects on account of the fact that the deceased at the time of his death was working as sweeper-cum-chowkidar in the Education Department and was 29 years of age. Keeping in view the fact that the deceased was 29 years of age at the time of accident, compensation can be re-assessed in view of the judgments of the Supreme Court rendered in the case of National Insurance Company Ltd. v. Pranay Sethi and others; 2017 AIR (SC) 5157. It is further submitted that the appellant is entitled to

Rs. 70,000/- towards conventional heads whereas nothing has been granted.

Learned counsel appearing on behalf of respondent No.3 has not been able to dispute the same in view of the well settled proposition of law laid down by Hon'ble the Supreme Court in the case of Pranay Sethi (supra).

In view of the above discussion, compensation is re-assessed as under:

	Particulars	Amount (in ₹)
1	Income	₹ 4548/- p.m. ₹ 4548 x 12 = 54576/- p.a.
2	50% future prospects	₹ 54576 x 50% = ₹ 27288/- (₹ 54576 + ₹ 27288 = ₹ 81864/-
3	Deduction @ 1/3	₹ 81864 x 1/3 = ₹ 27288 (₹ 81864 – ₹ 27288 = ₹ 54576/-
4	Multiplier @ 16	₹ 54576 x 16 = ₹ 873216/-
5	Conventional Heads	₹ 70,000/-
6	Total	₹ 873216 + ₹ 70000 = ₹ 9,43,216/-
7	Compensation awarded by the Tribunal	₹ 2,88,000/-
8	Differences	₹ 943216 – ₹ 288000 = ₹ 6,55,216/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of ₹ 6,55,216/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till its realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till

payment after the expiry of two months.

25.09.2019
rajeev

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No