

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

206

FAO-945-2002(O&M)

Date of Decision : October 29, 2019

HARI RAM AND ORS

.....Appellants

VERSUS

GURPAL SINGH AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Pankaj Midda, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Jind (for short the 'Tribunal') vide award dated 12.9.2001.

Learned counsel for the appellants while praying for enhancement submitted that the income assessed is on the lower side whereas the deceased was doing dairy farming and also doing the job of a Carpenter. It is further stated that 1/3rd has been deducted whereas it should be 1/4th taking into account the number of the claimants. Similarly, the multiplier of 18 should have been applied instead of 16 as the deceased was 32 years of age at the time of the accident. Further no future prospects has been given and the amount granted towards consortium is also on the lower side.

Learned counsel for the respondent-Insurance Company while disputing qua the enhancement towards income submitted that at that point of time even the minimum wages was on the lower side and under no circumstances it could have been assessed more than as has been taken by the Tribunal.

Heard. There is no proof qua the income. So, no interference is called for in the income already assessed.

However, learned counsel for the respondent-Insurance Company is not in a position to dispute that the deduction should have been 1/4th instead of 1/3rd and the multiplier should have been 18 instead of 16 and that the claimants were also entitled to future prospects @ 40% as well as the maximum amount of Rs.70,000/- under the conventional head.

In view of the above, the appellants-claimants are entitled to the enhanced amount as per the calculation provided:-

Sr. No.	Head	Amount assessed
1	Income	Rs.1800/- p.m.
2	Future prospects @ 40%	1800 @ 40% = 720 1800 + 720 = 2520
3	Dependency 1/4 th	2520 @ 1/4 th = 630 2520-630 = 1890
4	Multiplier	1890 x 12 x 18 = Rs.4,08,240
5	Conventional Heads	Rs.70,000
6	Total	Rs.4,78,240
7	Compensation awarded by the Tribunal	Rs.2,40,000/-
8	Differences	Rs.2,38,240/-

Accordingly, the present appeal is allowed to the said extent.

The enhanced amount of Rs.2,38,240/- be deposited within two months from the receipt of certified copy of this order alongwith interest already awarded by the Tribunal 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.

October 29, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No