

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

202A

FAO-3151-2001

Date of Decision : November 13, 2019

SATPAL

.....Appellant

VERSUS

SUBHASH AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Kulvir Narwal, Advocate for the appellant.
Mr. Suvir Dewan, Advocate
for respondent-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed against the impugned award dated 28.5.2001 vide which the amount of Rs.1,50,000/- was granted towards 40% disability. The amount granted was lump-sum.

While praying for enhancement, learned counsel for the appellant submitted that nothing has been granted towards future prospects, towards loss of pain and suffering as well as transportation and other medical expenses and nor towards loss of marriage prospects.

Heard.

In view of the above and as per the well settled law laid down by the Hon'ble Apex Court in the case of **National Insurance Company Limited vs. Pranay Sethi and others, 2017 AIR(SC) 5157,** the appellant is held entitled to the loss of future prospects to the extent of 40%. He is also entitled to the multiplier of 18 taking into account that his age was 25 years. Another amount of Rs.1,00,000/- is granted towards pain & suffering, agony and attendant. The loss of marriage prospects is determined as Rs.50,000/-.

Learned counsel for the respondent-Insurance Company is not able to dispute the settled proposition of law laid down in the case of Pranay Sethi (supra).

In view of the above, the appellant-claimant is entitled to the enhanced amount as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	Rs.2000/- p.m.
2	Future prospects @ 40%	2000 @ 40% = 800 2000+800 = 2800
3	Permanent disability @ 40%	2800 – 40% = 1120
4	Multiplier	1120 x 12 x 18 = Rs.2,41,920/-
5	Marriage prospects	Rs.50,000/-
6	Pain & suffering and attendant	Rs.1,00,000/-
7	Total	Rs.3,91,920/-
8	Compensation awarded by the Tribunal	Rs.1,50,000/-
9	Differences	Rs.2,41,920/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.2,41,920/- be deposited within two months from the receipt of certified copy of this order alongwith interest @ 6% per annum 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.

November 13, 2019
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(NIRMALJIT KAUR)
JUDGE

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