IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

245 **FAO-2680-2004(O&M)**

Date of Decision : September 17, 2019

SUMNA DEVI AND ORS

.....Appellants

VERSUS

CHHAJU SINGH AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ajay Kumar Sharma, Advocate for the appellants.

Mr. H.K.Sammi, Advocate for respondents No.1 to 3.

Ms. Madhu Sharma, Advocate for respondent No.4.

NIRMALJIT KAUR, J. (Oral)

CM-22422-CII-2018

For the reasons mentioned in the application, the same is allowed. Let the main case is taken up on board today itself.

Main case

The present appeal is filed for enhancement of the compensation granted vide award dated 3.3.2004 passed by the Motor Accident Claims Tribunal, Patiala (for short the 'Tribunal').

While praying for enhancement, learned counsel for the appellants contended that the salary of the deceased was Rs.9540/- whereas only Rs.8885/- has been taken into consideration. Further, the deceased was 45 years of age at the time of the accident and, therefore, multiplier of 14 should have been adopted instead of 10 and as well as future prospects @ 30% should have also been awarded. It is further stated that under the head of consortium, only Rs.10,000/- has been granted whereas it should be Rs.70,000/- under the conventional heads.

Learned counsel for the respondents while opposing the prayer for enhancement qua the salary stated that the carry home salary of the deceased was Rs.8885/- and, therefore, the same has been accordingly assessed as the income but are not able to dispute that the appellants are entitled for the enhancement towards 30% future prospects, Rs.70,000/- under the conventional heads as well as the multiplier of 14 in view of the judgment rendered in the case of **National Insurance Company Limited vs. Pranay Sethi and others,** *2017 AIR(SC) 5157.*

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

Sr. No.	Head	Amount assessed (in Rs.)
1	Income	Rs.8885/- p.m. x 12 = Rs.1,06,620/-
2	Future prospects @ 30%	106620 @ 30% = 31986 106620+31986 = 138606
3	Deduction 1/3rd	138606 x 1/3 = 46202 138606-46202 = 92404
4	Multiplier	92404 x 14 = Rs.12,93,656/-
5	Conventional Heads	Rs.70,000/-
6	Total	Rs.13,63,656/-
7	Compensation awarded by the Tribunal	Rs.7,20,760/-
8	Differences	Rs.6,42,896/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.6,42,896/- 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.

September 17, 2019 **(NIRMALJIT KAUR)**
ajay-1 **JUDGE**

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