

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

CMs-14277-78-CII-2019 in/and
FAO No.852 of 2002
Date of Decision: 18.9.2019

Krishna Bhatia and others

.....Appellants

Versus

Bakshish Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Mohd. Yousaf, Advocate, for the appellants.

Mr. Neeraj Khanna, Advocate, for the Insurance company.

NIRMALJIT KAUR, J. (ORAL)

CM-14277-CII-2019

For the reasons mentioned in the application, the delay of 744 days in filing the application for restoration of the appeal is condoned. However, the applicants will not be entitled to the interest for 744 days in case of enhancement of compensation.

CM stands disposed of.

CM-14278-CII-2019

For the reasons mentioned in the application, the same is allowed. The appeal is restored at its original number.

Learned counsel for the parties are agreed that the appeal can be taken up for hearing today itself. The same is taken on board accordingly.

FAO-852-2002

While praying for enhancement of compensation, learned counsel for the appellants, submitted that multiplier of 13 should have been

applied instead of 11 and amount of ₹ 70,000/- should have been granted

under the head of consortium, whereas, only ₹ 9,500/- has been granted under this head. It is further stated that future prospects @ 30% taking into account the age of 50 years should have been granted, whereas, nothing has been granted.

Learned counsel for the Insurance Company is not able to dispute the legal position that the appellants are entitled compensation in view of the judgment rendered by Hon'ble the Apex Court in the case of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680,

In view of the above, the compensation is now re-assessed as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Dependancy	₹ 5110 x 12 x 13 = ₹ 7,97,160/-
2	Conventional head	₹ 70,000/-
3	Future prospects @ 30%	₹ 2,39,148/-
	Total	₹ 11,06,308/-
	Awarded by the Tribunal	₹ 7,45,000/-

Thus, the enhanced compensation of ₹ 3,61,308/- be paid to the appellants within two months from the receipt of certified copy of this order alongwith 6% interest per annum from the date of filing of claim petition. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

18.9.2019
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No