

Sushila and others

.....Appellants

Versus

Manna Lal and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Jitender Nara, Advocate for the appellants.

Mr. Ashok Verma, Advocate for respondent No.1.

None for respondent No.2.

Mr. Ravinder Arora, Advocate
for respondent No.3-Insurance Company.**NIRMALJIT KAUR, J. (ORAL)**

The present appeal has been filed for enhancement of compensation granted vide award dated 06.06.2006, passed by the Motor Accident Claims Tribunal, Rewari (for short, the Tribunal).

While praying for enhancement, learned counsel for the appellants submitted that no future prospects have been given, whereas, the appellants are entitled to 30% future prospects taking into account that the deceased was a Government Employee and his age was 45 years. Further, only ₹10,000/- has been granted under the conventional heads, whereas, it should have been ₹70,000/-. Further, the deduction should be 1/5th instead of 1/3rd.

Learned counsel for respondent No.3-Insurance Company is not in a position to dispute that the appellants/claimants are entitled to 30% future prospects, deduction to the extent of 1/5th as well as the amount of Rs.70,000/- under the conventional heads taking into account the judgment rendered by Hon'ble the Apex Court in case National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.

In view of the above, the enhanced amount of ₹4,88,568/- be paid to the appellants as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹8623/- per month
2	Deduction towards GPF & GIS, made by Tribunal	₹8623 – 2035 = ₹6588/-
3	Future Prospects	30% (6588 x 30% = ₹1976) ₹6588 + 1976 = ₹8564/-
4	Deduction	1/5th 1/5th of 8564 = ₹1713/- 8564 – 1713 = ₹6851/-
5	Multiplier	14 6851 x 12 x 14 = ₹11,50,968/-
6	Conventional Heads.	₹70,000/-
7	Total	₹12,20,968/-
8	Compensation awarded by the Tribunal	₹7,32,400/-
9	Differences	₹1220968 – 732400 = ₹4,88,568/-

Thus, the enhanced compensation of ₹4,88,568/- 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 till its realization.

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 recovery rights shall be maintained accordingly.

The appeal is disposed of accordingly.

10.12.2019
sandeep

(NIRMALJIT KAUR)
JUDGE

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