302 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4606 of 2009
Date of Decision: 05.09.2019

Laxmi and others

.....Appellants

Versus

Mohd. Sadak and others

........Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Rahul Rampal, Advocate
for the appellants.

Mr. S.S. Rangi, Advocate
for respondent Nos.1 and 2.

Mr. R.C. Kapoor, Advocate
for respondent No.3-insurance company.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Ludhiana (for short, the Tribunal), vide award dated 02.06.2009.

While praying for allowing the present appeal, learned counsel for the appellants submitted that the appellants are entitled to the enhancement by applying the multiplier as 17 instead of 13 taking the age of the deceased as 26 years at the time of accident. It is further submitted that the deduction should have been made as $1/4^{th}$ and not $1/3^{rd}$ taking into account that there are four dependents being wife and three minor children. Similarly, 40% future prospects should have been granted, which has been denied. It is further submitted that no amount has been given under general and pecuniary expenses.

In view of the settled proposition of law rendered by Hon'ble the Apex Court in case National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680, this Court is of the opinion that the appellants are entitled to the enhancement to the extent by applying multiplier of 17 instead of 13, deduction should be made 1/4th instead of 1/3rd and 40% future prospects. Further, they are also held entitled to ₹70,000/- under the consortium and other pecuniary heads.

In view of the settled proposition of law and the claim of the appellants qua enhancement of compensation being squarely covered in the judgment rendered by Hon'ble the Apex Court in case Pranay Sethi (supra), the appellants are entitled to the enhanced compensation as per the following calculations:-

Sr. No.	Head	Amount assessed
1	Income	₹3000/- per month (3000 x 12 = 36000 per annum)
2	Future Prospects	40% (36000 x 40% = ₹14,400/-) 36000 + 14400 = ₹50,400/-
3	Deduction	1/4th 1/4th of 50400 = ₹12,600/- (50400 – 12600 = ₹37,800/-
4	Multiplier	17
5	Compensation	37800 x 17 = ₹6,42,600/-
6	Amount of medical bills	₹82,500/-
7	Consortium and other pecuniary heads.	₹70,000/-
8	Total	₹7,95,100/-
9	Compensation awarded by the Tribunal	₹3,94,500/-
10	Differences	₹795100 – 394500 = ₹4,00,600/-

Thus, the enhanced compensation of ₹4,00,600/- 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, as per the liability already fastened by the Tribunal. 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.

However, the right of recovery shall be subject to final decision of the cross objections bearing No.23-CII-2010 after the finding on the additional evidence qua route permit recorded by the Tribunal and remitted to this Court in pursuance to the order passed by way of separate order of even date in the cross objections.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

05.09.2019
sandeep

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