

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

212

FAO-1940-2007

Date of Decision : September 09, 2019

KAILASH DEVI AND ORS

.....Appellants

VERSUS

USMAN AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Sudhir Aggarwal, Advocate
for the appellants.

None for respondents No.1 and 3.

Mr. V.Ramswaroop, Advocate
for respondent No.4-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Gurgaon vide award dated 2.12.2006.

While praying for enhancement, learned counsel for the appellants submitted that the accident is of the year 2005 and the deceased was 43 years of age. His income was assessed as Rs.3500/- per month. Hence, the appellants are entitled to 25% towards future prospects and the deduction should have been 1/4th instead of 1/3rd as here are four claimants. Further, the multiplier of 15 should have been applied instead of 10.

Learned counsel for the respondent-Insurance Company is not able to dispute the well settled legal proposition of law 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 are entitled to the
enhanced amount as per the calculation provided:-

Sr. No.	Head	Amount assessed
1	Income	Rs.3500/- p.m. x 12 = Rs.42000/-
2	Future Prospects @ 25%	(3500 x 25% = Rs.875) 3500+875 = 4375/-
3	Deduction 1/4 th	4375 x 1/4 = Rs.3281/- 3281x12 = 39,372/-
4	Multiplier	39372 x 14 = Rs.5,51,208/-
5	Conventional heads	70,000/-
6	Total	Rs.6,21,208/-
7	Compensation awarded by the Tribunal	Rs.2,80,000/-
8	Differences	Rs.3,41,208/-

Accordingly, the present appeal is allowed to the said extent.
The enhanced amount of Rs.3,41,208/- 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 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 09, 2019
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(NIRMALJIT KAUR)
JUDGE

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