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

FAO-1904-2011(O&M)

Date of Decision: July 12, 2019

Prem Lata and another

.....Appellants

Versus

Mohammad Faizan and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Kulwant Singh Dhanora, Advocate
for the appellants.

Mr.Rajbir Singh, Advocate
for respondent No.3.
Mr.Pardeep Goyal, Advocate
for respondent No.5.

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NIRMALJIT KAUR, J. (ORAL)

The appeal has been filed by the appellant-claimants seeking enhancement of the amount so awarded by the Motor Accident Claims Tribunal, Kurukshetra, vide Award dated 21.04.2010 vide which the total amount of ₹5,30,000.00 as compensation was awarded to them. While praying for enhancement, learned counsel for the appellant-claimants submitted that multiplier of 14 is incorrect as the age of the deceased has been taken to be 43 years, whereas it should have been on the age of 35 years, on the basis of the ration card. The said argument has no merit, inasmuch, as there is nothing on record to show the date of issue of the said ration card. The age was taken as per the post-mortem report. This Court even tried to look into the driving licence placed on record as Annexure P-9

have any column of date of birth. Hence, in the absence of any evidence, the date of birth of the deceased, as taken from the post mortem report, cannot be faulted with but, there is merit in the argument that inadequate compensation was awarded under the head 'Conventional Charges' as well as that the Tribunal erred in not granting future prospects.

Learned counsel for respondent No.3 is not in a position to dispute that the appellant-claimants are entitled to ₹70,000.00 under the head 'Conventional Charges' and increase of 25% towards future prospects.

In view of the above, the amount awarded under the head 'Conventional Charges' is enhanced from ₹26,000.00 to ₹70,000.00 and ₹1125.00 per month has to be granted towards future prospects. In this manner, the appellant-claimants are entitled to ₹7,00,000.00 (total) as per the following calculations:-

Income of the deceased	₹4,500.00
Future prospects @ 25%	₹1125.00
Total income	₹5,625.00
Deduction 1/3 rd	₹1875.00
Net Income	₹3750.00 (₹5625.00- ₹1875.00)
Dependency	₹6,30,000.00 (₹3750.00 x 12 x 14)
Conventional Charges	₹70,000.00
Total Compensation	₹7,00,000.00

The total amount of ₹7,00,000.00, as per the above calculation has to be awarded to the appellant-claimants. Therefore, after deducting the amount already granted to them, the appellant-claimants are entitled to the enhanced amount of ₹1,70,000.00 (₹7,00,000.00-₹5,30,000.00). The said amount be paid to the appellant-claimants alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held

by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

July 12, 2019
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(NIRMALJIT KAUR)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |