

Manjit Singh and another

.....Appellants

Versus

Constable A.P. Singh Ninama and another

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**Present: Mr. Prateek Pandit, Advocate  
for the appellants.

None for respondent No.2.

**NIRMALJIT KAUR, J. (ORAL)****CM-25515-CII-2012**

The present application has been filed by learned counsel for the appellants for permission to place on record the copy of voter card and driving licence of deceased, as additional evidence.

Neither any reply to the application has been filed nor any one is coming present since the last three dates of hearing. The original documents i.e. voter card and driving licence as handed over to this Court by learned counsel for the appellants, have been perused.

After hearing learned counsel for the appellants as well as after perusing the original documents, the application is allowed. The documents i.e. voter card and driving licence are taken on record as Annexure A-3 and A-4 respectively as additional evidence.

**Main Case**

The present appeal has been filed for enhancement of compensation granted vide award dated 02.12.2010, passed by the Motor Accident Claims Tribunal, Kapurthala (for short, the Tribunal).

While praying for enhancement, learned counsel for the

FAO No.517 of 2012 (O&M)

appellants submitted that the age of the deceased was wrongly taken into consideration between 35-40 years as mentioned in the post mortem report Ex.AX, whereas, the appellants had duly placed on record copy of passport, which is placed on record as Mark A before the Tribunal and Annexure A-2 before this Court. Secondly, no future prospects have been granted. He was entitled to future prospects @ 40%. Further, the amount under the conventional heads should have been granted ₹70,000/-, whereas, nothing was granted.

Heard.

No one has put in appearance on behalf of respondent No.2 since the last three dates of hearing. Copy of voter card and driving licence have also been placed on record as Annexure A-3 and A-4, which are taken on record as additional evidence.

This Court has perused the original documents i.e. Voter Card as well as Driving Licence as handed over by learned counsel for the appellants. After perusing the said documents, the same are returned to learned counsel for the appellants. Accordingly, this Court has no reason to doubt the date of birth of deceased as mentioned in the said documents i.e. voter card and driving licence, which is 28.06.1983. No objections have been filed to the same. Accordingly, the age of the deceased is held to be 26 years at the time of accident on 19.06.2009.

In view of the above, the multiplier should have been applied 17 instead of 16. Similarly, the appellants are entitled to 40% future prospects as well as ₹70,000/- under the conventional heads in view of the well settled proposition of law rendered by Hon'ble the Apex Court in case

SCC 680.

Accordingly, the enhanced amount of ₹3,91,040/- be paid to the appellants as per the calculation provided under:-

| Sr. No. | Head                                 | Amount assessed                                                                                                   |
|---------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 1       | Income                               | ₹5,000/- per month                                                                                                |
| 2       | Deduction                            | 1/3rd<br>1/3rd of 5000 = ₹1666.67/-<br>5000 – 1666.67 = ₹3333.33/-<br>(rounded off ₹3400/- taken by the Tribunal) |
| 3       | Future Prospects                     | 40%<br>(3400 x 40% = ₹1360)<br>₹3400 + 1360 = ₹4760/-                                                             |
| 3       | Multiplier                           | 17<br>(4760 x 17 x 12 = 971040/-)                                                                                 |
| 4       | Conventional Heads.                  | ₹70,000/-                                                                                                         |
| 5       | Total                                | ₹10,41,040/-                                                                                                      |
| 6       | Compensation awarded by the Tribunal | ₹6,50,000/-                                                                                                       |
| 7       | Differences                          | ₹1041040 – 650000 = ₹3,91,040/-                                                                                   |

Thus, the enhanced compensation of ₹3,91,040/- be paid to 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 appeal is disposed of accordingly.

(NIRMALJIT KAUR)  
JUDGE

06.11.2019  
sandeep

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