

Santosh Devi and others

.....Appellants

Versus

Paras Ram and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Divyadeep Walia, Advocate
for the appellants.Service of respondent Nos.1 and 2 dispensed with
vide order dated 26.04.2018.Mr. Vinod Gupta, 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, Kaithal (for short, the Tribunal), vide award dated 31.10.2011.

While praying for enhancement of compensation, learned counsel for the appellants submitted that the appellants are entitled to 40% future prospects as well as ₹70,000/- under the conventional heads.

Learned counsel for the respondent/insurance company does not dispute that the appellants are entitled to 40% future prospects and a total amount of ₹70,000/- under the conventional heads in view of the judgment rendered by Hon'ble the Apex Court in National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.

In view of the above, the appellants are now entitled to the enhanced compensation as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹3,500/- per month ₹42,000/- per annum
2	Deduction @ 1/4 th	₹42000 x 1/4 th = ₹10500 ₹42000 – 10500 = ₹31500
3	Future prospects @ 40%	₹31500 x 40% = ₹12600 31500 + 12600 = ₹44100
4	Multiplier	16
5	Compensation	₹44,100 x 16 = ₹7,05,600/-
6	Conventional Heads	₹70,000/-
7	Total	₹7,75,600/-
8	Compensation awarded by the Tribunal	₹5,14,000/-
9	Differences	₹7,75,600 – 5,14,000 = ₹2,61,600/-

Thus, the enhanced compensation of ₹2,61,600/- 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 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

26.09.2019
sandeep

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