

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

FAO-1287-2013(O&M)

Date of decision : 19.11.2019

Prem Devi and another

..... Appellant

versus

Jai Bhagwan and others

..... Respondents

CORAM : HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr. Rajesh Khandelwal, Advocate for the appellants.

Mr.R.K.Bashamboo, Advocate for respondent No.3-insurance co.

Mr.Rajneesh Malhotra, Advocate for respondent No.4.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of compensation awarded to the claimants by the Motor Accidents Claims Tribunal, Hisar vide award dated 22.11.2012 in respect of the death of Vinod Kumar who died in a vehicular accident which took place on 26.04.2010.

Learned counsel for the appellants has submitted that the multiplier of 18 should have been applied by the Tribunal instead of 7 keeping in view the age of the deceased as he was 22 years of age at the time of his death. This fact is not disputed by learned counsel for the respondents in view of the settled proposition of law in *National Insurance Company Limited v. Pranay Sethi*,

(2017)16 SCC 680, and *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018(4) RCR(Civil) 333*. At the same time learned counsel for the appellants does not dispute the objection raised by learned counsel for the respondents that the future prospects should have been 40% instead of 50%. Accordingly the award is modified as under:-

1. Income	Rs.4500/-
40% future prospects	Rs.4500 + 1800 = Rs.6300
2. ½ Deductions towards personal expenses	Rs.3150
3. Multiplier	18
4. Annual dependency	Rs. 3150 x 18 x 12= Rs.6,80,400/-
5. Loss of estate	Rs. 30,000/-
Total compensation	Rs. 6,80,400 + 30,000/- = Rs.7,10,400/-
Already awarded	Rs. 3,18,500/-
Final compensation	Rs. 7,10,400- 3,18,500 = Rs.3,91,900/-

The enhanced amount of compensation shall carry interest at the rate of 6% p.a. from the date of filing of the claim petition till realisation and shall be paid equally by respondents No.1, 2 and 4 jointly and severally. The enhanced amount of compensation shall be deposited before the Tribunal within three months in terms of the award of the Tribunal. In case the enhanced amount of compensation along with interest is not deposited before the Tribunal within the stipulated period of three months, the aforesaid respondents shall be liable to pay interest on the said amount at the rate of 9% p.a. till the said amount is paid after the expiry of three months. The other terms of the award

of the Tribunal shall remain the same.

(NIRMLAJIT KAUR)
JUDGE

19.11.2019
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No