209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3183 of 2013
Date of Decision: 19.11.2019

Sudesh and others .....Appellants

Versus

Sunil Kumar Rai and others ....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. S.P. Chahar, Advocate for the appellants.

Respondent Nos.1 and 2 ex-parte.

Mr. Rajbir Singh, Advocate
for respondent No.3/insurance company.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of compensation granted vide award dated 02.03.2013, passed by the Motor Accident Claims Tribunal, Jhajjar (for short, the Tribunal).

While praying for enhancement, learned counsel for the appellants submitted that the income has been assessed on the lower side by deducting the amount of pension received by the widow of deceased, which could not have been done in view of the well settled proposition of law rendered by Hon'ble the Apex Court in the case of *Reliance General Insurance Co. Ltd. Vs. Shashi Sharma, (2016) 9 SCC 627*. Further, the appellants are entitled to 25% future prospects in view of the judgment rendered by Hon'ble the Apex Court in the case of *National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680,* whereas, nothing has been given towards future prospects.

Learned counsel for respondent No.3-insurance company is not able to dispute the legal proposition as settled by Hon'ble the Apex Court in the cases of *Shashi Sharma* and *Pranay Sethi (supra)*.

Accordingly, the appellants are entitled to the enhancement as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹7,500/- per month
2	Deduction	1/4th 1/4th of 7500 = ₹1875/- 7500 – 1875 = ₹5625/-
3	Future Prospects	25% (5625 x 25% = ₹1406.25) ₹5625 + 1406.25 = ₹7031.25/- rounded off ₹7031/-
4	Multiplier	14 (7031 x 12 x 14 = 11,81,208/-)
5	Conventional Heads.	₹60,000/-
6	Total	₹12,41,208/-
7	Compensation awarded by the Tribunal	₹6,00,000/-
8	Differences	₹1241208 – 600000 = ₹6,41,208/-

Thus, the enhanced compensation of ₹6,41,208/- 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.

This order shall have no bearing in the recovery rights granted to the respondent/insurance company by the Tribunal.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

19.11.2019
sandeep

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