

214 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
(2 cases) **AT CHANDIGARH**

(1) FAO No.1273 of 2015 (O&M)
Date of Decision: 18.09.2019

Manpreet Kaur and others Appellants
Versus
Gurdeep Singh and another Respondents

(2) FAO No.5429 of 2014 (O&M)

Shri Ram General Insurance Company Ltd. Appellant
Versus
Manpreet Kaur and others Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Navmohit Singh, Advocate
for the appellants in FAO-1273-2015 and
for the respondents in FAO-5429-2014.

Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate
for the appellant in FAO-5429-2014 and
for the respondent-insurance company in FAO-1273-2015.

NIRMALJIT KAUR, J. (ORAL)

Both the aforementioned appeal shall stand decided by this
common order.

CM-3500-CII-2015 in FAO-1273-2015

For the reasons mentioned in the application, the same is
allowed and the delay of 50 days in filing of the appeal is condoned.

Main Cases

Learned counsel for the appellants in FAO-1273-2015 has very
fairly stated that as per settled proposition of law, no enhancement can be
granted. However, the deduction has to be made under the head of future
prospects. Future prospects @ 50% has been granted, whereas, it should
have been only 40% in view of the judgment as rendered by the Hon'ble
Apex Court in case National Insurance Company Ltd. versus Pranay Sethi

FAO No.1273 of 2015 (O&M) (2 cases)

Accordingly, the award is modified as per the calculation provided:-

Sr. No.	Head	Amount assessed
1	Income	₹5400/- per month (5400 x 12 = 64800 per annum)
2	Future Prospects	40% (64800 x 40% = ₹25920) 64800+ 25920 = ₹90720
3	Deduction	1/4 th 1/4th of 90720 = ₹22680/- (90720 – 22680 = ₹68040/-)
4	Multiplier	17
5	Compensation awarded	68040 x 17 = 11,56,680/-
6	Total	₹11,56,680/-
7	Compensation awarded by the Tribunal	₹12,50,000/-

Thus, the total amount of ₹11,56,680/- is awarded to the claimants. The said amount be now deposited, if already not deposited within two months from today alongwith interest as per the award passed by the Tribunal. In case, the said amount is not deposited within two months, the Insurance Company shall be liable to pay interest @ 12% per annum after the expiry of the aforesaid period of two months. However, in case excess amount beyond ₹11,56,680/- has been deposited by the insurance company, the same shall be recovered.

The award of the Tribunal accordingly stands modified as above.

Disposed of.

18.09.2019
sandeep

(NIRMALJIT KAUR)
JUDGE

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