

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

FAO No.1972 of 2014

Date of Decision: 12.09.2019

Gurmeet Kaur and another

.....Appellants

Versus

Gulam Muhiudin Mir @ Tariq Mohammad and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. A.S. Dhindsa, Advocate for the appellants.

Mr. Rajnish Malhotra, Advocate
for the respondent/insurance company.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed against the award dated 04.04.2013 passed by the Motor Accident Claims Tribunal, Patiala (for short, the Tribunal), vide which, an amount of ₹16,22,880/- was granted, towards death of deceased-Nirmal Singh.

While praying for enhancement of compensation, learned counsel for the appellants submitted that no future prospects have been given. Further, the amount of ₹70,000/- under the conventional heads has to be granted in terms of judgment rendered by Hon'ble the Apex Court in case National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.

Learned counsel for the respondent/insurance company has not been able to dispute the said legal proposition of law as settled by Hon'ble the Apex Court in Pranay Sethi's case (supra). Accordingly, the appellants are entitled to the enhancement of compensation towards 50% future prospects being a salaried employee and also entitled to the compensation of ₹70,000/- total under the conventional heads instead of just ₹25,000/- as granted by the Tribunal.

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

Sr. No.	Head	Amount assessed
1	Income	₹13,274/- per month ₹1,59,288/- per annum
2	Deduction	1/3 rd 1/3rd of 1,59,288/- = ₹53,096/- (159288 – 53096 = ₹1,06,192/-
3	Future Prospects	50% (106192 x 50% = ₹53,096/-) 106192 + 53096 = ₹1,59,288/-
4	Multiplier	15
5	Compensation	159288 x 15 = ₹23,89,320/-
6	Conventional Heads	₹70,000/-
7	Total	₹24,59,320/-
8	Compensation awarded by the Tribunal	₹16,22,880/-
9	Differences	₹2459320 – 1622880 = ₹8,36,440/-

Thus, the enhanced compensation of ₹8,36,440/- 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. 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.

In the absence of any appeal having been filed by the respondent/owner, the recovery rights as granted to the insurance company are upheld.

The appeal is disposed of accordingly.

12.09.2019
sandeep

(NIRMALJIT KAUR)
JUDGE