

223

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

FAO-143-2015

Date of Decision: August 19, 2019

Jai Parkash

.....Appellant

Versus

Rajal and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Gautam Kaile, Advocate for
Mr.Ashwani Antil, Advocate for the appellant.

Mr.Vikas Gulia, Advocate for respondent Nos.1 and 2.

Mr.Rajbir Singh, Advocate for
Mr.Sanjeev Goyal, Advocate for respondent No.3.

.....

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of the amount of compensation granted to the appellant-claimant vide Award dated 15.07.2014 vide which only ₹2,05,000.00 was granted. While praying for enhancement, learned counsel for the appellant submitted that as per the judgment of Hon'ble Apex Court in **National Insurance Company Limited vs Pranay Sethi and others**, 2017(16) SCC 680, the multiplier should have been 17 as the deceased was only 28 years of age. Further he is also entitled to future prospects @ 40%.

There is no dispute in the settled proposition of law that father is not the dependent, but in the present case it is not disputed that father is the only surviving member. He was 69 years of age at the time of the incident. There is no other member to look after him in his old age. The deceased was his only son. He too has died. Thus, the appellant-claimant

cannot be deprived of compensation in the present facts and circumstances.

At the same time, learned counsel for the respondent-Insurance Company is not in a position to dispute the well settled proposition of law. However, he states that father is not the dependent as per the judgment rendered in **Sarla Verma and others vs Delhi Transport Corporation and another** 2009(3) RCR (Civil) 77. Accordingly, he is entitled to enhancement as per the following calculations:-

Head	Calculation
Income	₹3,000.00
Future prospects	₹1200.00 @ 40%
Total Income	₹4200.00
Multiplier	17
Total amount	₹4200.00 x 12 x 17 = ₹8,56,800.00
Paid by Tribunal	₹2,05,000.00
Net payable	₹6,51,800.00(₹8,56,800.00- ₹2,05,000.00)

The total amount of ₹6,51,800.00, as per the above calculation has to be awarded to the appellant-claimant after deducting the amount already granted to him. The said amount be paid to the appellant-claimant alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

August 19, 2019
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1. Whether speaking/reasoned ?

2. Whether reportable ?

(NIRMALJIT KAUR)
JUDGE

Yes/No
Yes/No