

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

208

FAO-2113-2014

Date of Decision : August 29, 2019

JAI PRAKASH @ PHAKHRU AND ANR

.....Appellants

VERSUS

SURESH AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Narender Singh, Advocate for
Mr. Naveen S. Bhardwaj, Advocate
for the appellants.

Mr. M.B.Jain, Advocate
for respondent No.3.

NIRMALJIT KAUR, J. (Oral)

After hearing learned counsel for the parties, it is the admitted position that the appellants are entitled to enhancement to the extent of 10% under future prospects as only 30% has been granted whereas it should be 40% in view of the judgment rendered by the Hon'ble Apex Court in the case of **National Insurance Company Limited vs. Pranay Sethi and others**, 2017 AIR(SC) 5157. Similarly, the multiplier of 15 has been has been applied whereas it should be 18.

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

Sr. No.	Head	Amount assessed
1	Income	Rs.3914/- p.m. x 12 = Rs.46968/-
2	Future Prospects @ 40%	(3914 x 40% = Rs.1565) 3914+1565 = 5479/-
3	Deduction 1/2 nd	5479 x 1/2 = Rs.2739/- 5479-2739 = 2740

Sr. No.	Head	Amount assessed
4		2740 x 12 =Rs.32880/-
5	Multiplier	32880 x 18 = Rs.5,91,840/-
6	Conventional Heads	Rs.30,000/-
7	Total	Rs.6,21,840/-
8	Compensation awarded by the Tribunal	Rs.4,97,920/-
9	Differences	Rs.1,23,920/-

Accordingly, the present appeal is allowed to the said extent.

The enhanced amount of Rs.1,23,920/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

August 29, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No