

FAO No.1751 of 2015 (O&M)
Date of Decision: 17.07.2019

Bhupinder Singh @ Bhup Singh and another

.....Appellants

Versus

Suraj Mal and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ram Pal Verma, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.4-Insurance Company.

NIRMALJIT KAUR, J. (ORAL)

CM-5197-CII-2015

For the reasons mentioned in the application, the same is allowed and the delay of 93 days in re-filing of the appeal is condoned.

CM stands disposed of.

CM-5196-CII-2015

For the reasons mentioned in the application, the same is allowed and the delay of 293 days in filing of the appeal is condoned, subject to the non payment of interest for the delayed period.

CM stands disposed of.

FAO-1751-2015

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Sonapat (for short, the Tribunal), vide award dated 24.07.2013.

While praying for enhancement of compensation, learned counsel for the appellants submitted that the deceased was only 21 years of age and therefore, the multiplier of 18 should have been applied instead of

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9. Secondly, the future prospects @ 40% should have been granted, whereas, nothing has been granted by the Tribunal. Thirdly, the salary have been taken as ₹4,000/- per month, whereas, it should have been ₹5,000/-. Lastly, the compensation under the Conventional Heads should have been granted ₹30,000/- instead of ₹10,000/-

Learned counsel for respondent No.4-insurance company does not dispute that as per the minimum wages, the salary of an unskilled labourer is ₹4000/- per month. It is also not disputed that a multiplier of 18 should have been applied instead of 9, taking into account the age of the deceased as 21 years. It is also admitted that the compensation under the Conventional Heads should have been granted ₹30,000/- instead of ₹10,000/- and the appellants are also entitled to future prospects @ 40%, in view of the settled proposition of law as laid down by the Hon'ble Apex Court in the cases of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680 and Sarla Verma vs. Delhi Transport Corporation and another (2009) 6 SCC 121.

In view of above, this Court deems it proper to enhance the compensation as calculated provided below:-

Sr. No.	Head	Amount assessed
1	Income	₹4,000/- per month (4000 x 12 = 48000 per annum)
2	Future Prospects	40% (48,000 x 40% = ₹19200) 48,000+ 19200 = ₹67200
3	Deduction	1/2 nd 1/2 of 67200 = ₹33600/- (67200 – 33600 = ₹33600/-
4	Multiplier	18%
5	Compensation awarded	33600 x 18 = 6,04,800/-
6	Conventional Heads	₹30000/-

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Sr. No.	Head	Amount assessed
7	Total	₹6,34,800/-
8	Compensation awarded by the Tribunal	₹2,26,000/-
9	Differences	₹634800 – 226000 = ₹4,08,000/-

Thus, the enhanced compensation of ₹4,08,000/- be paid to the appellants within two months from today alongwith 6% interest per annum from the date of filing of claim petition. However, the appellants are not entitled to the interest of delayed period of 293 days. In case the said amount is not paid within two months, the same shall be paid with 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

17.07.2019
sandeep

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