

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

FAO No.1778 of 2015
Date of Decision: 27.9.2019

Kirandeep Kaur and others

.....Appellants

Versus

Darshan Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Chandan Deep Singh, Advocate, for the appellants.

Ms.Riya Sharma, Advocate for
Mr. Vikas Bali, Advocate, for respondents No.1 and 2.

Mr. Lalit Garg, Advocate, for the Insurance Company.

NIRMALJIT KAUR, J. (ORAL)

While praying for enhancement of compensation, learned counsel for the appellants, submitted that no future prospects have been granted, whereas, the claimants are entitled to 40% future prospects. Similarly, an amount of ₹ 70,000/- should have been granted under the conventional heads, whereas, only ₹ 25,000/- have been granted.

Learned counsel for the Insurance Company is not able to dispute the same in view of the well settled proposition of law that the appellants are entitled to the enhancement of compensation in view of the judgment rendered by Hon'ble the Apex Court in the case of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.

In view of the above, the compensation is now re-assessed as

per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	10,000/- per month
2	Future prospects @ 40%	10000 x 40% = 4000 (10000 + 4000 = 14000)
3	Deduction	1/4 th 14000/- x 1/4 = 3500 14000 – 3500 = 10500/-
4	Annual dependancy	10500 x 12 = 1,26,000/-
5	Multiplier	15 (1,26,000 x 15 = 18,90,000/-
6	Conventional heads	Rs.70000/-
7	Total	₹ 19,60,000/-
8	Awarded by the Tribunal	₹ 13,75,000/-
9	Differences	1960000 – 1375000 = ₹5,85,000/-

Thus, the enhanced compensation of ₹ 5,85,000/- 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.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

27.9.2019
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No