IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213 **FAO-360-2015**

Date of Decision : November 20, 2019

RAM NARESH

.....Appellant

VERSUS

VINOD KUMAR & ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Naveen Mandhan, Advocate for
Mr. Pankaj Bali, Advocate
for the appellant.

Mr. Puneet Singh, Advocate for
Mr. Yash Dev Kaushik, Advocate
for respondents No.1 and 2.

Mr. Varun Sharma, Advocate for
Mr. B.R.Madan, Advocate
for respondent No.3-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed for enhancement of the compensation granted vide award dated 23.4.2014 passed by the Motor Accident Claims Tribunal, Faridabad (for short the 'Tribunal').

While praying for enhancement, learned counsel for the appellant submitted that the multiplier has been wrongly applied. The age of the deceased at the time of the accident was 38 years. Therefore, the multiplier of 15 should have been applied instead of 7.

Learned counsel for the respondent-Insurance Company does not dispute the same in view of the well settled proposition of law as laid down by the Hon'ble Apex Court in the case of **National Insurance Company Limited** vs. **Pranay Sethi and others,** *2017 AIR(SC) 5157* but submitted that the future prospects @ 40% should have been granted instead of 50% as the deceased was not in a government service.

Admittedly, the deceased was in permanent job. There is no distinction qua the job being in the government service or in the private sector. Accordingly, this Court finds no reason to reduce the future prospects from 50% to 40%.

In view of the above, the appellant-claimant is entitled to the enhanced amount as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	Rs.1,44,000/- p.a.
2	Multiplier	Rs.1,44,000 x 15 = Rs.21,60,000/-
3	Conventional Heads	Rs.25,000/-
4	Total	Rs.21,85,000/-
5	Compensation awarded by the Tribunal	Rs.10,33,000/-
6	Differences	Rs.11,52,000/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.11,52,000/- be deposited within two months from the receipt of certified copy of this order alongwith interest @ 6% from the date of the claim petition till its 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.

It is , however, clarified that the recovery rights as granted to the Insurance Company shall remain intact.

November 20, 2019 **(NIRMALJIT KAUR)**
ajay-1 **JUDGE**

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