

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

FAO No. 4244 of 2015

Date of Decision : October 14, 2019

Mohit

..... Appellant

VERSUS

Manjeet and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present :- Mr. Nitin Rathee, Advocate
for the appellant.

Mr. Sajjan Singh, Advocate
for respondents No. 1 and 2.

Mr. Punit Jain, Advocate
for respondent No.3.

Mr. G.S. Ahluwalia, Advocate
for respondent No.5.

NIRMALJIT KAUR, J. (Oral)

Learned counsel for the appellant while praying for enhancement of the amount awarded by the Motor Accident Claims Tribunal, Jhajjar (for short, the Tribunal), vide award dated 23.01.2015, submitted that no amount has been granted towards future prospects and nothing has been granted towards the pain and suffering as well as enjoyment of life as also on account the loss of marriage prospects.

Learned counsel for the respondent-insurance company while opposing the prayer of the appellant, submitted that sufficient amount has been granted and a sum of ₹ 26,20,000/- was awarded and further relying upon the judgments rendered by the Apex Court in case of Anant son of Sidheshwar Dukre vs. Pratap son of Zhamnnappa Lamzane and another, 2018(4) RCR (Civil) 124 as well as Pappulal vs. Aathif Mujavar and another in Civil Appeal No. 2529 of 2019 decided on 06.03.2019 to

contend that in these cases no amount was awarded towards future prospects.

Heard.

The facts of *Anant's case (supra)* as well as *Pappulal's case (supra)* rendered by Hon'ble the Supreme Court have been carefully perused. It is evident that the issue of future prospects was neither raised nor discussed. Therefore, the judgments relied upon by the learned counsel for the respondent-insurance company do not apply to the facts and circumstances of the present case. On the other hand, learned counsel for the appellant has relied upon *V. Mekala vs. M. Malathi and another, 2014 (11) SCC 178* to contend that the claimant in the present case, whose disability was held to be 100% and is leading a vegetative life, is entitled to the future prospects @40%. The appellant in the said case had suffered 70% disability. Still, taking into account that the injured in the said case had excellent career ahead of her life, the Apex Court while taking into consideration the judgments rendered in the case of *Reshma Kumari vs. Madan Mohan, 2009 (3) RCR (Civil) 101, and K. Narsimha Murthy vs. The Manager, Oriental Insurance Company Ltd., ILR 2004 Karnataka 2471* held that the appellant in the said case was entitled to the compensation under the head of future prospects and went on to enhance the compensation towards the future prospects to the extent of 50%.

Learned counsel for the respondent-insurance company has not been able to point out any other judgment holding to the contrary.

In the present case, the injured, who was only 24 years of age at the time of incident, was a student of B. Tech. was already earning by giving

tuition and had a bright future and brilliant chances of joining a job with handsome salary. Instead, he is reduced to a vegetative state, requiring wheel chair and attendant all his life. Hence, this Court does not find any reason as to why the compensation should not be enhanced under the head of future prospects to the extent of 40%.

The arguments advanced by learned counsel for the appellant that nothing has been granted towards pain and suffering as well as loss of marriage prospects has no merit as the appellant has already been granted ₹ 30,000/- under the head of mental pain and agony and further, there is nothing on record that the appellant was unmarried. Accordingly, the appellant is not entitled to any further enhancement under this head.

Accordingly, the appellant is entitled to further compensation towards 40% future prospects, as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Loss of Income on account of permanent disability	₹ 10000 X 12X17 =20,40,000
2	Future Prospects (40%) enhanced	₹ 4000 X 12 X 17 =8,16,000
3	Medical treatment	₹ 1,60,000/-
4	Attendant Expenses	₹ 2000 X 12 X 15 + 3,60,000/-
5	Conveyance expenses	₹ 20,000/-
6	Special diet	₹ 10,000/-
7	Mental pain and agony	₹ 30,000/-
8	Total	₹ 34,36,000/-
9	Differences	₹34,36,000-26,20,000=8,16,000/-

In view of the above, the present appeal is allowed to the said extent. The enhanced amount of ₹ 8,16,000/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest per annum from the date of the claim petition till its realisation.

FAO No. 4244 of 2015

-4-

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.

October 14, 2019
dinesh

(NIRMALJIT KAUR)
JUDGE

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