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

FAO-4481-2015

Date of Decision: October 23, 2019

Ranjit Singh and others

.....appellants

Versus

Paramjit Singh and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Shaurya Punj, Advocate for
Mr.TVS Lehal, Advocate
for the appellants.

Mr.Saurabh Savara, Advocate for
Mr.Vipul Dharmani, Advocate
for respondent Nos.1 and 2.

Mr.Rajneesh Malhotra, Advocate
for respondent No.3.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellants while praying for enhancement of the Award, dated 03.09.2014 passed by the Motor Accident Claims Tribunal, Rupnagar, submitted that income is on the lower side. It should have been ₹25,000/-, whereas only ₹8,000/- has been taken into consideration. Secondly, future prospects have been given @ 25%, whereas it should have been 40% and the amount under 'Conventional head' should have been ₹70,000/- instead of ₹20,000/-.

Learned counsel for the respondent-Insurance Company while opposing the prayer for enhancement of income submitted that in fact, there was no evidence of the income and therefore, the income of ₹8000/-, as

assessed, is already on the higher side taking into account that at that point of time minimum wages were only ₹5,400/-. However, he has not disputed that the appellants are otherwise entitled to the enhanced compensation under the head future prospects to the extent of 40% instead of 25% and ₹70,000/- under 'Conventional head' instead of ₹20,000/-.

In view of the above, this Court finds merit in the argument raised by learned counsel for the Insurance Company qua the income and finds no reason to interfere in the income already assessed. Claimants are, however, entitled to the future prospects @ 40% and ₹70,000/- under 'Conventional head' instead of ₹20,000/-.

In view of the above, the appellants are entitled to the enhanced amount as per the calculations provided hereunder:

Head	Amount
Monthly Income	₹8000.00
Future prospects @ 40%	₹3200.00
Total Monthly income	₹11,200.00
1/4 th deduction as personal expenses	₹2800.00
Monthly dependency	₹8400.00
Annual Dependency	₹1,00,800.00
Multiplier	15
Loss of dependency	₹15,12,000.00
Conventional head	₹70,000.00
Total compensation	₹15,82,000.00
Compensation awarded by Tribunal	₹13,70,000.00
Difference in compensation	₹2,12,000.00
Enhancement of compensation	₹2,12,000.00

The enhanced amount of ₹2,12,000.00, as per the above calculation, be paid to the appellant-claimants alongwith interest @ 6% per

annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

October 23, 2019
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(NIRMALJIT KAUR)
JUDGE

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|----|------------------------------------|---------------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |