

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

**FAO No. 4546 of 2015
Date of decision : 23.10.2019**

Ram Niwas Yadav and others

..... Appellants

versus

Suresh Kumar Ahirwar and others

..... Respondents

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Sat Narain Yadav, Advocate for the appellants.

Mr.Pardeep Kumar, Advocate for respondent No.3.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of compensation by the claimants, the legal heirs of deceased Sandeep Kumar, who died in a road side accident which took place on 16.03.2014 due to the rash and negligent driving of truck bearing registration no. MP-20GA-5600.

Learned counsel for the appellants while praying for enhancement submitted that no amount has been awarded towards future prospects. Learned counsel for the respondents does not dispute the fact that the claimants are entitled to the same at the rate of 50% in view of the settled proposition of law rendered by the ApexCourt in case of **National Insurance Co.Ltd.V. Pranay Sethi and others , 2017 AIR(SC) 5157**. The deceased was serving in Army at the time of accident. In view of the same the enhanced amount be paid to the claimants as per the calculations provided hereinbelow:-

1. Income	Rs. 21970
2. Future prospects	50% of the income(Rs. 21970 + 10985)=Rs. 32955
3. Deductions	1/4 th
4. Total income	Rs.24717/-[3/4 of (21970 + 10985)]
5. Multiplier	17
6. Loss of future income	Rs. 50,42,268(24717 x 12 x 17)
7. Total compensation	Rs. 50,42,268 + 1,30,000 =Rs.51,72,268
8. Already given	Rs. 34, 91,512
9. Final compensation	Rs. 16,80, 756

The enhanced amount of compensation shall carry interest at the rate of 6% p.a. from the date of filing of the claim petition till realisation and shall be paid equally by all the respondents jointly and severally. The enhanced amount of compensation shall be deposited before the Tribunal within three months in terms of the award of the Tribunal. In case the enhanced amount of compensation along with interest is not deposited before the Tribunal within the stipulated period of three months, the respondents shall be liable to pay interest on the said amount at the rate of 9% p.a. till the said amount is paid after the expiry of three months. The other terms of the award of the Tribunal shall remain the same.

(NIRMALJIT KAUR)
JUDGE

23.10.2019
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No