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

FAO-4753-2015

Date of Decision: August 27, 2019

Kusum Devi and another

.....Appellants

Versus

Anuj Chauhan and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.H.S.Dhillon, Advocate
for the appellants.

Mr.Pradeep Kumar, Advocate
for respondent No.3-Insurance Company.

.....

NIRMALJIT KAUR, J. (ORAL)

The appeal is filed for enhancement of the amount of compensation granted to the appellant-claimants by the Motor Accident Claims Tribunal, Ambala, vide Award dated 05.02.2015. While praying for enhancement, learned counsel for the appellant-claimants submitted that income was assessed at the lower side. The deceased was earning ₹8,000.00 per month and also doing dairy farming. It is further stated that neither the future prospects have been granted nor the multiplier has been correctly applied.

Learned counsel for the respondent-Insurance Company while disputing the claim of the appellant-claimants submitted that the appellants have not produced any evidence qua the income and, therefore, ₹6,000.00 has been correctly assessed on the basis of Minimum Wages Act. However,

he is not in a position to dispute the well settled proposition to law settled by

Hon'ble the Apex Court in the case of National Insurance Company Limited vs Pranay Sethi and others, 2017(16) SCC 680 qua the future prospects as well as the multiplier.

Accordingly, the appellant-claimants are held entitled to the enhancement towards future prospects @ 40% and the multiplier of 18 instead of 14 and in this way the total amount, as per the calculation provided by learned counsel for the parties, is as under:-

Head	Amount
Income of the deceased	₹6,000.00
Deduction @ 50%	₹6,000.00/2 = ₹3,000.00
Future prospects @ 40%	₹1200.00 (₹3000.00x40/100)
Total income	₹4200.00 (₹3000+₹1200)
Annual Loss of dependency	₹4200.00x12 = ₹50,400.00
Multiplier	₹50,400.00x18=₹9,07,200.00
Conventional Heads	₹70,000.00
Total	₹9,77,200.00
Amount already awarded	₹5,74,000.00
Balance to be paid	₹4,03,200.00

The total amount of ₹9,77,200.00, as per the above calculation, has to be awarded to the appellant-claimants. Therefore, after deducting the amount already granted to them, the appellant-claimants are entitled to the enhanced amount of ₹4,03,200.00 (₹9,77,200.00-₹5,74,000.00). The said amount 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.

August 27, 2019
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(NIRMALJIT KAUR)
JUDGE

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