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

FAO No.3991 of 2016 (O&M)
Date of Decision: 17.07.2019

Nand Ram and another

.....Appellants

Versus

Pinki Sharma and others

........Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Aditya Singla, Advocate for
Mr. S.S. Khurana, Advocate
for the appellants.

Mr. Gulshan Nandwani, Advocate
for respondent No.1.

Mr. Vijay Kumar Garg, Advocate
for respondent No.2.

NIRMALJIT KAUR, J. (ORAL)

CM-13711-CII-2016

Allowed, as prayed for.

CM-13710-CII-2016

For the reasons mentioned in the application, the same is allowed and the delay of 265 days in filing of the appeal is condoned, subject to the non payment of interest for the said delayed period.

CM stands disposed of.

FAO-3991-2016

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Rewari (for short, the Tribunal), vide award dated 31.10.2014.

While praying for enhancement of compensation, learned counsel for the appellants submitted that the deceased was only 23 years of age and therefore, the multiplier of 18 should have been applied instead of

11. Secondly, the income assessed is on the lower side. Thirdly, the future prospects @ 40% should have been granted, whereas, nothing has been granted by the Tribunal. Lastly, the compensation granted towards loss of consortium under the conventional heads should have been granted ₹70,000/- instead of ₹25,000/-

Learned counsel for respondent No.2-insurance company is not in a position to dispute the fact that the appellants are entitled to a multiplier of 18 instead of 11, taking into account the age of the deceased as 23 years, future prospects @ 40%, will says that it should be ₹30,000/- towards loss of consortium under the conventional head and not ₹70,000/- as stated by learned counsel for the appellants. It is further stated that the income of the deceased has been probably assessed.

After hearing learned counsel for the parties and in view of the law settled proposition of law laid down by the Hon'ble Apex Court in the cases of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680 and Sarla Verma vs. Delhi Transport Corporation and another (2009) 6 SCC 121, as also the agreed position, this Court deems it proper to enhance the compensation as calculated provided below:-

Sr. No.	Head	Amount assessed
1	Income	₹5200/- per month (5200 x 12 = 62400 per annum)
2	Future Prospects	40% (62,400 x 40% = ₹24960) 62,400+ 24960 = ₹87360
3	Deduction	1/2nd 1/2 of 87360 = ₹43680/- (87360 – 43680 = ₹43680/-
4	Multiplier	18%
5	Compensation awarded	43680 x 18 = 7,86,240/-
6	Conventional Heads	₹30000/-

Sr. No.	Head	Amount assessed
7	Total	₹8,16,240/-
8	Compensation awarded by the Tribunal	₹3,68,200/-
9	Differences	₹816240 – 368200 = ₹4,48,040/-

Thus, the enhanced compensation of ₹4,48,040/- be paid to the appellants within two months from today alongwith 6% interest per annum from the date of filing of claim petition. However, the appellants are not entitled to the interest of delayed period of 265 days. In case the said amount is not paid within two months, the same shall be paid with 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

17.07.2019
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No