IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

221 **Cross-objection-258-CII-2016 IN/AND FAO-4319-2016(O&M)**
Date of Decision : September 19, 2019

Oriental Insurance Co. Ltd.

.....Appellant

VERSUS

Jasvir Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Lalit Garg, Advocate
for the appellant.

Mr. Harinder Singh Sandhu, Advocate
for respondents No.1 and 2.

NIRMALJIT KAUR, J. (Oral)

While praying for reduction of the award dated 19.4.2016 passed by the Motor Accident Claims Tribunal, S.A.S.Nagar, Mohali (for short the 'Tribunal'), learned counsel for the appellant-Insurance Company submitted that the amount granted by the Tribunal is on the higher side. It is contended that the future prospects should have been granted @ 40% and not @ 50%.

Learned counsel for respondents No.1 and 2 is not able to dispute the same in view of the settled proposition of law as rendered in the case of **National Insurance Company Limited** vs. **Pranay Sethi and others,** *2017 AIR(SC) 5157*. Learned counsel for respondents No.1 and 2 has filed cross-objections stating therein that the income should have been enhanced as the deceased was a security guard and even if the wages of a skilled labourer are taken then there should have been Rs.7247/- and that under the conventional heads, the amount should have been Rs.30,000/- and not Rs.25,000/-. The prayer with respect to the income cannot be accepted as there is no evidence on record to show that the deceased was working as a security guard or that he was a skilled worker. Hence, no enhancement is made out under the said head. However, learned counsel for the appellant-Insurance Company does not dispute that the amount towards the conventional heads should be Rs.30,000/- instead of Rs.25,000/- and, therefore, the appellants are entitled to the enhancement of Rs.5,000/-.

In view of the above, the award dated 19.4.2016 is modified, as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	Rs.6600/- p.m./-
2	Future prospects @ 40%	6600 @40% = 2640 6600+2640 = 9240
3	Deduction 1/2nd	Rs.4620/- 4620 x 12 = 55,440/-
4	Multiplier	55,440 x 18 = 9,97,920/-
5	Conventional heads	30,000/-
6	Total	Rs.10,27,920/-
	Compensation awarded by the Tribunal	Rs.10,94,200/-
		Rs.66,280/-

Vide an interim order dated 1.8.2016, 70% of the awarded amount was stayed. Accordingly, the Insurance Company shall deposit the balance amount as per the above calculation within two months from the receipt of certified copy of this order alongwith interest already awarded by the Tribunal from the date of the claim petition till its realization.

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.

(NIRMALJIT KAUR)
JUDGE

September 19, 2019
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No