

Iliyas and others

.....Appellants

Versus

Ravinder Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Hardeep Singh Dhillon, Advocate for
 Mr. Arjun Atri, Advocate, for the appellants.
 Mr. Naveen Singh Panwar, Advocate, for
 respondents No.1, 2 and 2-A.
 Mr. Sanjeev K. Arora, Advocate, for respondent No.3.

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellants while praying for setting aside the award of the Motor Accidents Claim Tribunal, Mewat (for short, 'the Tribunal') submitted that income of the deceased has been assessed on the lower side. It is further stated that future prospects have not been granted.

Learned counsel for the respondents while opposing the same submitted that the appellants have not been able to prove the income of the deceased. A certificate of the employer was produced saying that the deceased was working in a clinic of the doctor, whereas, the said doctor was never examined and moreover, the deceased was found doing some regular course of study. Therefore, the chances even for working as part time @ ₹ 19,500/- per month cannot be believed and that too in a place like Mewat.

Heard.

The appellants have not been able to prove the income of the deceased, therefore, the income assessed ₹ 6,000/- per month while taking the minimum wages, is fair and just.

However, learned counsel for the respondents were not able to

dispute that the claimants were otherwise entitled to the future prospects @ 40%, which have been denied.

In view of the above, this Court deems it proper to grant enhanced amount on account of 40% future prospects to be given to the appellant-claimants as per the following calculation:-

Sr. No.	Head	Amount assessed
1	Income	₹6000/- per month (6000 x 12 = 72000 per annum)
2	Future Prospects	40% (72000 x 40% = ₹28,800/-) 72000 + 28800 = ₹100800/-
3	Deduction	1/2 nd 1/2 nd of 100800 = ₹50,400/- (100800 – 50400 = ₹50,400/-
4	Multiplier	18
5	Compensation	50400 x 18 = ₹9,07,200/-
6	Love and affection	₹50,000/-
7	Last rites	₹25,000/-
8	Total	₹9,82,200/-
9	Compensation awarded by the Tribunal	₹7,23,000/-
10	Differences	₹9,82,200 – 7,23,000 = ₹2,59,200/-

Thus, the enhanced compensation of ₹ 2,59,200/- be paid to the appellants within two months from the receipt of certified copy of this order alongwith 6% interest per annum from the date of filing of claim petition. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

3.9.2019
sharmila

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