

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

FAO-4522-2016 (O&M)

Date of Decision: 15.10.2019

Manjit Kaur and others

... Appellants

Vs.

Rajvir Saini and others

... Respondents

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. P.L. Singla, Advocate
for the appellant (s).

Mr. Harsh Aggarwal, Advocate
for the Insurance Company.

NIRMALJIT KAUR, J. (Oral)

C.M. No.15573-CII-2016

For the reasons mentioned in the application, the application is allowed and delay of 320 days in filing the appeal is condoned. However, the claimant will not be paid the interest for the delayed period in case enhancement is allowed.

Main case

The appellant has come up in appeal before this Court seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as 'the Tribunal') vide award dated 05.02.2015.

Learned counsel for the appellant while praying for enhancement of compensation submitted that no future prospects was granted.

Learned counsel for the Insurance Company, however, is not in a position to dispute that the claimants are entitled to 25% future prospects in view of the judgments of the Supreme Court rendered in the case of

National Insurance Company Ltd. v. Pranay Sethi and others; 2017 AIR

(SC) 5157.

In view of the above discussion, compensation is re-assessed as under:

	Particulars	Amount (in ₹)
1	Income	₹ 9000/- p.m.
2	25% future prospects	₹ 2250/- (₹ 9000+ ` 2250 = ` 11250/-
3	Dependency @ 3/4	₹ 8437/-
4	Multiplier @ 13	₹ 8437 x 12 x 13 = ₹ 13,16,250/-
5	Conventional Heads	₹ 1,50,000/-
6	Total	₹ 13,16,250 + ` 1,50,000 = ₹ 14,66,250/-
7	Compensation awarded by the Tribunal	₹ 12,03,000/-
8	Differences	₹ 14,66,250 – ₹ 12,03,000 = ₹ 2,63,250/-

Accordingly, the present appeal is allowed only to the said extent. The enhanced amount of ₹ 2,63,250/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest 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.

15.10.2019
rajeev

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No