

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

FAO No.7912 of 2014 (O&M)

Date of Decision: 27.9.2019

Poonam and others

.....Appellants

Versus

Krishan Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Rajneesh Chadwal, Advocate, for the appellants.

Mr. Sachin Ohri, Advocate, for the Insurance Company.

NIRMALJIT KAUR, J. (ORAL)

CM-21359-CII-2014

For the reasons mentioned in the application, the delay of 389 days in filing of the appeal is condoned. However, the claimants will not be entitled to the interest for 389 days in case of enhancement.

CM stands disposed of.

FAO-7912-2014

While praying for enhancement of compensation, learned counsel for the appellants submitted that the claimants are entitled to the enhanced amount towards the future prospects @ 40% and ₹ 70,000/- under the head of conventional, whereas, only ₹ 10,000/- have been granted.

Learned counsel for the Insurance Company is not able to dispute the same in view of the well settled proposition of law laid down by Hon'ble the Supreme Court in the case of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.

In view of the above, the compensation is now re-assessed as

per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	6,000/- per month (6000 x 12 = 72000/- p.a.)
2	Deduction @ 1/4	72000 x ¼ = 18000 (72000 – 18000 = 54000)
3	Future prospects @ 40%	54000 x 40% = 21600 (54000 + 21600 = 75600)
4	Multiplier @ 16	75600 x 16 = 12,09,600/-
5	Conventional heads	Rs.70000/-
6	Total	₹ 12,79,600/-
7	Awarded by the Tribunal	₹ 8,84,000/-
8	Differences	1279600 – 884000 = ₹3,95,600/-

Thus, the enhanced compensation of ₹ 3,95,600/- 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. However, the appellants are not entitled to the interest amount for the period of 389 days.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

27.9.2019
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No