

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

231

FAO-6092-2016

Date of Decision : September 16, 2019

PARMILA AND OTHERS

.....Appellants

VERSUS

RAM SINGH @ RAJ SINGH & ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Akash Vashisth, Advocate for
Mr. Sanjay Vashisth, Advocate
for the appellants.

Mr. Sanjeev Kodan, Advocate
for respondent No.2.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Bhiwani (for short the 'Tribunal') vide award dated 10.3.2016 vide which only Rs.35,85,824/- was awarded.

While praying for enhancement, learned counsel for the appellants submitted that the appellants-claimants were entitled to the future prospects @ 50% taking into account that the age of the deceased was 32 years at the time of death. Further, only Rs.20,000/- was granted towards conventional heads whereas it should have been atleast Rs.70,000/- as per the judgment rendered in the case of **National Insurance Company Limited vs. Pranay Sethi and others, 2017 AIR (SC) 5157.**

Learned counsel for the respondent-Insurance Company is

not able to dispute the said legal position. It is further stated that no income tax has been deducted from the assessed income.

In view of the above, the award requires to be modified as under and the appellants-claimants are entitled to the enhanced amount as per the calculation provided:-

Sr. No.	Head	Amount assessed (in Rs.)
1	Income	Rs.24,762/- p.m. x 12 =Rs.2,97,144/-
2	Income tax deduction	10% = 9700/-
3	Future prospects @ 50%	Rs.2,87,444 x 50% = 143722/- Rs.2,87,444 + 143722 + 4,31,166
4	Deduction 1/4 th	Rs.4,31,166 x ¼ = 1,07,791 Rs.4,31,166-1,07,791 =Rs.3,23,375/-
5	Multiplier @ 16	Rs.3,23,375 x 16 = Rs.51,74,000/-
6	Convention heads	Rs.70,000/-
7	Total	Rs.52,44,000/-
8	Compensation awarded by the Tribunal	Rs.35,85,824/-
9	Differences	Rs.16,58,176/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.16,58,176/- 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.

September 16, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.
Whether Reportable.

:
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Yes/No
Yes/No