IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215 **FAO-8761-2014**

Date of Decision : July 04, 2019

BIR BHAN AND ANR

.....Appellants

VERSUS

GAURAV AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ved Parkash, Advocate
for the appellants.

Mr. Deepak Suri, Advocate
for respondent No.3.

NIRMALJIT KAUR, J. (Oral)

The present appeal has been filed for enhancement of the amount awarded by the Motor Accident Claims Tribunal, Jind whereby the amount of compensation of only Rs.6,61,000/- alongwith interest @ 9% per annum from the date of institution of the petition till final realization have been awarded.

While praying for enhancement, learned counsel for the appellants/claimants submitted that the Tribunal fell in error by applying the multiplier of 16 instead of 18. Secondly, the future prospects was required to calculated at 40% i.e. Rs.2,400/- per month.

Learned counsel for respondent No.3 is not in a position to dispute the same taking into account that the age of the deceased was 16 as per the post-mortem report.

In view of the same and as per the settled proposition of law as settled in the case of **National Insurance Company Limited vs. Pranay Sethi and others,** decided on 31.10.2017, MANU/SC/1366/2017, the appellants/claimants are entitled to enhancement of Rs.3,16,000/- as per the following calculation:-

Sr. No.	**Head**	**Amount assessed**
1	Income	₹6000/- per month
2	Future Prospects @ 40%	(6000 x 40% = ₹2400) 6000+2400 = ₹8400
3	Deduction @ 50%	8400 – 4200 = ₹4200/-
4	Multiplier @ 18	4200 x 12 x 18 = ₹907200/-
5	Conventional Heads	₹70,000/-
6	Total	₹9,77,200/-
7	Compensation awarded by the Tribunal	₹6,61,000/-
9	Differences	₹9,77,200 – 6,61,000 = ₹3,16,200/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.3,16,200/- 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 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

July 04, 2019
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No