

FAO No.7791 of 2015 (O&M)  
Date of Decision: 05.11.2019

Rekha and another

.....Appellants

Versus

Abhimanyu and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present: Mr. Jatin Hans, Advocate  
for the appellants.

Mr. Varun Sharma, Advocate for  
Mr. S.P. Dhamija, Advocate  
for respondent No.3-insurance company.

**NIRMALJIT KAUR, J. (ORAL)**

**CM-24459-CII-2015**

For the reasons mentioned in the application, the same is allowed and the delay of 625 days in filing of the appeal is condoned. However, the appellants will not be entitled to the interest for the delay of 625 days.

**Main Case**

The present appeal has been filed for enhancement of compensation granted vide award dated 08.10.2013, passed by the Motor Accident Claims Tribunal, Bhiwani (for short, the Tribunal).

While praying for enhancement, learned counsel for the appellants submitted that no future prospects have been granted and the amount under the conventional heads too should be enhanced to ₹70,000/-, whereas, only ₹20,000/- has been granted.

Learned counsel for respondent No.3-insurance company is not in a position to dispute the well settled proposition of law rendered by Hon'ble the Apex Court in case National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680, granting future prospects @ 40% taking into account the age of the deceased is 27 years as also the amount under the conventional heads, it should be ₹70,000/- in total, whereas, only ₹20,000/- is granted.

In view of the above, the enhanced amount of ₹3,43,760/- be paid to the appellants as per the calculation provided under:-

| Sr. No. | Head                                 | Amount assessed                                                  |
|---------|--------------------------------------|------------------------------------------------------------------|
| 1       | Income                               | ₹4800/- per month<br>(4800 x 12 = 57600 per annum)               |
| 2       | Future Prospects                     | 40%<br>(57600 x 10% = ₹23040)<br>₹57,600 + 23040 = ₹80,640/-     |
| 3       | Deduction                            | 1/4th<br>1/4th of 80640 = ₹20,160/-<br>80640 – 20160 = ₹60,480/- |
| 4       | Multiplier                           | 17                                                               |
| 5       | Compensation awarded                 | 60480 x 17 = ₹10,28,160/-                                        |
| 6       | Conventional Heads.                  | ₹70,000/-                                                        |
| 7       | Total                                | ₹10,98,160/-                                                     |
| 8       | Compensation awarded by the Tribunal | ₹7,54,400/-                                                      |
| 9       | Differences                          | ₹1098160 – 754400 = ₹3,43,760/-                                  |

Thus, the enhanced compensation of ₹3,43,760/- be paid to 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 till its realization. The amount be paid after deducting the interest of 625 days of delayed period.

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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**

**05.11.2019**  
*sandeep*

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