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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-8170-2015 (O&M)

Date of Decision: August 27, 2019

Rajbala and others

.....Appellants

Versus

Bhadar Singh and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Narender Kajla, Advocate for the appellants.
Mr.D.R.Bansal, Advocate
for the respondent-Insurance Company.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the parties are ad idem that the appellant-claimants are entitled to 40% increase under the head 'Future Prospects' which has been wrongly denied to him in view of the settled law laid down by Hon'ble Apex Court in the case of **National Insurance Company Limited vs Pranay Sethi and others**, 2017(16) SCC 680. However, learned counsel for the respondent-Insurance Company states that the amount towards consortium could not have been more than ₹40,000/- to each of the appellant-claimants even if judgment in the case of **Megma General Insurance Co.Ltd. vs Nanu Ram alias Chuhru Ram and others**, 2018(4) RCR (Civil) 333 is applied, whereas in the present case ₹2,50,000.00 has been granted under this head. The stand of the respondents is fair to the said extent. Learned counsel for the appellants does not dispute this legal proposition.

However, it is further stated that ₹15,000/- each under the heads 'Loss of estate' and 'last rites' should have been granted as per the Apex Court. Admittedly, the same too cannot be denied in view of the law laid down in the above mentioned judgments.

In view of the above, the following amount is calculated as per the calculation given:

Heads	Amount
Income	₹7500.00
Future prospects	₹3000.00 (40% of ₹7500.00)
Total Income	₹10,500.00
After deducting 1/4 th from the total income, the amount comes to	₹7875.00
Annual income	₹94,500.00 (₹7875.00 x 12)
Multiplier	17
Total dependency	₹16,06,500.00 (₹94500.00x17)
Consortium to 4 @ ₹40,000.00 each	₹1,60,000.00 (₹40,000.00 x 4)
Loss of Estate	₹15,000.00
Last Rites	₹15,000.00
Total	₹17,96,500.00
Amount already granted	₹13,97,500.00
Difference	₹3,99,000.00

The total amount of ₹17,96,500.00, as per the above calculation has to be awarded to the appellant-claimants. Therefore, after deducting the amount already granted to them, the appellant-claimants are entitled to the enhanced amount of ₹3,99,000.00 (₹17,96,500.00-₹13,97,500.00). The said amount be paid to the appellant-claimants alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be

deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

August 27, 2019

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(NIRMALJIT KAUR)
JUDGE

- 1. Whether speaking/reasoned ?
- 2. Whether reportable ?

Yes/No
Yes/No