

FAO No.9962 of 2014

Date of Decision: 05.11.2019

Kiran Bala and others

.....Appellants

Versus

Virender Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ishan Cooner, Advocate for the appellants.

Respondent Nos.1 and 2 ex parte
vide order dated 12.01.2016.

None for respondent No.3-insurance company.

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement of compensation granted vide award dated 02.08.2014, passed by the Motor Accident Claims Tribunal, Ambala (for short, the Tribunal).

While praying for enhancement, learned counsel for the appellants submitted that no future prospects have been granted. Taking into account that the age of the deceased was 52 years, the appellants are entitled to 10% future prospects. The deceased was Supervisor in Rice Seller. It is further stated that the appellants are also entitled to ₹70,000/- under the conventional heads, whereas, only ₹40,000/- has been granted.

Heard.

In view of 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, this Court finds that the appellants are entitled to the enhancement under the two heads i.e. 10% towards future prospects and ₹70,000/- under the conventional heads.

In view of the same, the enhanced amount of ₹1,29,000/- be paid to the appellants as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹10,000/- per month (10000 x 12 = 120000 per annum)
2	Future Prospects	10% (1,20,000 x 10% = ₹12,000) ₹1,20,000 + 12000 = ₹1,32,000/-
3	Deduction	1/4th 1/4th of 132000 = ₹33,000/- 132000 – 33000 = ₹99000/-
4	Multiplier	11
5	Compensation awarded	99000 x 11 = ₹10,89,000/-
6	Conventional Heads.	₹70,000/-
7	Total	₹11,59,000/-
8	Compensation awarded by the Tribunal	₹10,30,000/-
9	Differences	₹1159000 – 1030000 = ₹1,29,000/-

Thus, the enhanced compensation of ₹1,29,000/- 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. 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