

FAO No.1992 of 2018

Date of Decision: 25.11.2019

Pawan Kumar Aggarwal and others

.....Appellants

Versus

Kartar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. M.S. Randhawa, Advocate
for the appellants.Mr. Radhey Shyam Sharma, Advocate
for respondent No.3/insurance company.**NIRMALJIT KAUR, J. (ORAL)**

The present appeal has been filed for enhancement of compensation granted vide award dated 07.10.2017, passed by the Motor Accident Claims Tribunal, Narnaul (for short, the Tribunal).

While praying for enhancement, learned counsel for the appellants submitted that the age of deceased was 19 years but no future prospects have been given, even the multiplier should have been 18 instead of 11.

Learned counsel for the respondent/insurance company is not able to dispute that the appellants are entitled to the enhancement towards future prospects @ 40% and multiplier should be 18 in view of the well settled proposition of law rendered by Hon'bl the Apex Court in the case of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.

In view of the above, the appellants are entitled to the enhancement as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹9880/- per month
2	Future Prospects	40% (9880 x 40% = ₹3952/-) ₹9880 + 3952 = ₹13,832/-
3	Deduction	1/2nd 1/2nd of 13832 = ₹6916/- 13832 – 6916 = ₹6916/-
4	Multiplier	18 (6916 x 12 x 18 = 14,93,856/-)
5	Total	₹14,93,856/-
6	Compensation awarded by the Tribunal	₹9,35,685/-
7	Differences	₹1493856 – 935685 = ₹5,58,171/-

Thus, the enhanced compensation of ₹5,58,171/- 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.

25.11.2019
sandeep

(NIRMALJIT KAUR)
JUDGE

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