IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 6313 of 2018 (O&M)

Date of Decision: 15.05.2019

Smt. Miskina and others

.......Appellants

Versus

Mahender and others ......Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Chetan Kapoor, Advocate for
Mr. Ashish Gupta, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for insurance company.

AVNEESH JHINGAN, J.(oral)

This is an appeal against award dated 19.3.2018 passed by Motor Accident Claims Tribunal, Mewat (hereinafter referred to as 'the Tribundal') in MACP No. 169 of 2017.

The facts in brief are that a motor vehicular accident took place on 18.12.2016. The accident proved fatal for Rashid. The accident was result of rash and negligent driving of vehicle bearing registration No. HR-55-G-4145 (for short 'the offending vehicle'). The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay compensation. The claimants failed to prove the monthly earning of the deceased. The income was assessed by the Tribunal as ₹8000/- per month; 40% future prospects were awarded as per the decision of the Supreme Court in ***National Insurance Company Limited Vs. Pranay Sethi and others AIR 2017 SC 5157***; 1/4th deduction for self- expenses was made as per the decision of the Supreme Court in ***Sarla Verma and others Vs. Delhi Transport Corporation and another (2009) 6 SCC 21*** and ₹70,000/- was awarded under conventional heads.

The grievance raised by learned counsel for the appellants is that there was a calculation error in the award as the Tribunal instead of calculating the compensation on income assessed plus future prospects had applied multiplier only on the future prospects.

Notice of motion.

Ms. Vandana Malhotra, Advocate, who is present in Court, accepts notice on behalf if IFFCO TOKIO General Insurance Company Ltd-the insurer of the offending vehicle.

With the consent of both the parties, the case is taken up on merits. From perusal of award, the mistake is apparent and is being corrected. The calculation error is being rectified as under:-

Sr. No.	Particulars	Amount awarded (₹)
1.	Monthly income	8000/-
2.	40% future prospects	3200/-
3.	1/4th deduction for self-expenses	2800/-
4.	Applying mulitplier of 18 (8400 x 12 x 18)	18,14,400/-
5.	Conventional heads	70,000/-
	Total	18,84,400/-

The award dated 19.3.2018 is modified to the extent that the amount calculated as ₹5,88,400/- is rectified as ₹18,84,400/-. The claimants shall be entitled to entire amount alongwith interest as awarded by the Tribunal.

The appeal is disposed of in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

15.05.2019
reema

Whether speaking/reasoned Yes
Whether Reportable: No