

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-3653-2016 (O&M)

Date of Decision: 17.12.2019

Jaswinder Kaur

.....Appellant

Versus

Neeraj and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Vijay Lath, Advocate, for the appellant.

Mr. Yogesh Gupta, Advocate, for respondent No.3.

NIRMALJIT KAUR, J. (ORAL)

CM-12685-CII-2016

Reply to the application for condonation of delay on behalf of respondent No.3 filed in Court is taken on record.

For the reasons mentioned in the application, the delay of 380 days in filing of the appeal is condoned. However, no interest shall be paid for the period of delay in case of enhancement of compensation.

CM stands allowed.

Main appeal

While praying for enhancement of compensation granted vide award dated 31.10.2014 passed by learned Motor Accident Claims Tribunal, Rupnagar, learned counsel for the appellant submitted that the appellant is entitled to the future prospects @ 25%, whereas, nothing has been granted and deduction should be 1/3rd instead of 1/4th taking into account that there are three claimants and further ₹70,000/- should be granted under the conventional heads, whereas, ₹60,000/- has been granted.

Learned counsel for respondent No.3-Insurance Company is not able to dispute the settled proposition of law laid down by Hon'ble the Apex Court in the case of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.

Accordingly, the amount of compensation is enhanced and the award is accordingly, modified as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Annual income	1,58,000/- per annum
2	Future prospects @ 25%	1,58,000 + 39,500 = 1,97,500/-
3	Deduction @ 1/3 rd	65,833/-
4	Annual Loss of dependency	1,31,667/-
5	Multiplier	1,31,667 x 13 = 17,11,671/-
6	Conventional heads	₹ 70,000/-
7	Medical Bills	1,18,353/-
	Total	₹ 19,00,024/-
	Awarded by the Tribunal	₹ 17,18,853/-
	Differences	₹ 1,81,171/-

Thus, the enhanced compensation of ₹ 1,81,171/- be paid to the appellant 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. 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. However, the appellant shall not be entitled for the interest for the period of 380 days.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

17.12.2019
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No