

**CM-5912-CII-2019 and
CMs-14763-64-CII-2018 in/and
FAO-4286-2018**

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

**CM-5912-CII-2019 and
CMs-14763-64-CII-2018 in/and
FAO-4286-2018
Date of Decision: September 30, 2019**

Ramrati Devi and another

.....Appellants

Versus

Randhir Singh and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Yashveer Kharb, Advocate
for the appellants.

Mr.R.N.Singal, Advocate
for the respondent-Insurance Company.

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NIRMALJIT KAUR, J. (ORAL)

CM-5912-CII-2019

Application is allowed. Written statement is taken on record.

CM-14763-CII-2018

For the reasons mentioned in the application, the same is allowed and delay of 1416 days in filing the appeal is condoned.

However, the appellants will not be entitled to the interest for this period in case the amount is enhanced.

CM-14764-CII-2018

Application for exemption is allowed as prayed for.

FAO-4286-2018

Learned counsel for the appellants while praying for

enhancement states that no future prospects has been granted, whereas it should have been granted @ 25% taking into account that age of the deceased was 45 years. Further it is stated that under the head 'Consortium' Rs.70,000/- should have been granted, whereas only Rs.45,000/- were granted.

Leaned counsel for the respondent-Insurance Company is not able to dispute the same in view of the judgment of Hon'ble Apex Court in National Insurance Company Limited vs Pranay Sethi and others, 2017(16) SCC 680.

In view of the above, the following amount is calculated as per the calculations provided hereunder:

Head	Amount
Monthly Income	₹5,000.00
Future prospects @ 25%	₹1250.00
Total Monthly income	₹6,250.00
1/4 th deduction as personal expenses	₹1562.50
Monthly dependency	₹4,687.50
Annual Dependency	₹56,250.00
Multiplier	14
Total dependency	₹7,87,500.00
Loss of consortium	₹70,000.00
Total dependency	₹8,57,500.00
Compensation awarded by Tribunal	₹6,75,000.00
Enhancement of compensation	₹1,82,500.00

The enhanced amount of ₹1,82,500.00, as per the above calculation, 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. However, no interest shall be granted for 1416 days, which are the days towards the delay in filing the appeal.

Disposed of accordingly.

September 30, 2019
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**(NIRMALJIT KAUR)
JUDGE**

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |