

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2984 of 2015 (O&M)

Date of Decision: 15.1.2020

Pushpa and another

...Appellants

Vs.

Rakesh Kumar and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. J. P.Sharma, Advocate
for the appellants.

Mr. Aman Mittal, Advocate for
Mr. A.S. Sidhu, Advocate
for respondent No.3.

RAJIV NARAIN RAINA, J. (Oral)

CM No. 8983-CII-2015

For the reasons mentioned in the application duly supported by
an affidavit, delay of 512 in filing the appeal is condoned.

CM stands disposed of.

FAO No. 2984 of 2015

1. While praying for enhancement of compensation, learned counsel
for the appellants submits that the claimants are entitled to the enhanced
amount towards future prospects @ 40% and Rs.30,000/- under the heads of
conventional compensation, whereas only Rs.5,000/- have been granted.

2. Counsel for the Insurance Company is not in a position to dispute
the same in view of the well settled propositions of law laid down by the
Supreme Court in the case of “*National Insurance Company Ltd. versus*

Pranay Sethi and others”, (2017) 16 SCC 680. However, he argues that the appellants are not entitled to interest for the period of delay as there is fault of the Company in this belated appeal.

3. In view of the above, the compensation is now re-assessed as per the calculation provided under:-

Particulars	Assessed by the Tribunal (in Rs.)	Assessed by this Court (in Rs.)
Income assessed	4200/-	4200/-
Add Future Prospects (40% of the income)	Nil	1680/-
Deductions	½ of the 4200/- =2100/	½ of the 5880/-=2940
Income per month after deduction	2100/-	2940/-
Multiplier	17	17
Dependency	2100x12x17=4,28,400	2940x12x17=5,99,760
Transport and last rites (Funeral expenses)	5000/-	15000/-
Loss of estate	Nil	15000/-
Total compensation	Rs.4,33,400/- rounded to Rs.4,34,000/- by Tribunal	Rs.6,29,760/-
Difference	Rs.6,29,760/- -- Rs.4,34,000= Rs.1,95,760/-	

4. Thus, the enhanced compensation of Rs.1,95,760/- remains outstanding to be paid to the appellants. The amount be disbursed within two months from the receipt of a certified copy of this order along with interest @ 7.5% per annum from the date of filing of the claim petition. In case the said amount is not paid within two months, the same shall be paid thereafter along with 12% interest from the expiry of the period of two months.

However, the appellants are held not entitled to interest amount for the period of 512 days which period is excluded from the calculations.

5. The appeal is disposed of accordingly by modification of the award.

(RAJIV NARAIN RAINA)
JUDGE

15.1.2020
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Whether speaking/reasoned : Yes
Whether reportable : Yes/No