

RA-CR-191-2019 in
FAO-1074-2017

RAJAN KUMAR VS. RAJ SINGH AND OTHERS

Present: Mr. Dheeraj Mahajan, Advocate,
for applicant-appellant.

Mr. Amit Kundra, Advocate,
for respondent No.3-Insurance Company.

Applicant-appellant seeks review of the judgment dated 31.10.2019 passed by this Court in the main appeal.

After hearing learned counsel for the parties, it is apparent that while allowing the main appeal on 31.10.2019, reference was made to the judgment passed by Hon'ble the Supreme Court in Sanjay Kumar vs. Ashok Kumar and another, 2014 (1) RCR (Civil) 875, wherein the claimant, who had suffered 70% permanent disability, was given the benefit of future prospects.

However, in the present case, while calculating the compensation, this benefit has not been given to the claimant (Rajan Kumar). In this case, at the time of accident, claimant was 28 years of age. Therefore, benefit of future prospects to the extent of 40% is being granted to the claimant. By doing so, total income comes to Rs.10,000 + 4000 = Rs.14,000/-. Accordingly, the compensation is re-assessed as under:-

Sr. No.	Head	Amount (in Rs.)
1	Loss of income by multiplier method	(Rs.14,000 x 12 x 17) x 70% qua whole body = Rs.19,99,200/-
2.	Medical bills	Rs.9,23,911/-
3	Pain and sufferings	Rs.1,00,000/-
4.	Conveyance charges	Rs.50,000/-
5.	Attendant charges	Rs.10,000/-
6	Loss of marriage prospects	Rs.1,00,000/-
7	Loss of amenities	Rs.1,00,000/-
	Total amount of compensation	Rs.32,83,111
	Enhanced amount of compensation	Rs.32,83,111 – 15,93,911 = 16,89,200

The enhanced amount of compensation of Rs.16,89,200/- shall be payable to the claimant-appellant as per judgment dated 31.10.2019

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passed by this Court.

Review application stands allowed accordingly.

(RITU BAHRI)
JUDGE

08.01.2020
ajp