

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

**FAO No. 6329 OF 2013 (o & m)
DATE OF DECISION : 01.04.2021**

Smt. Urmila and others

...Appellants

Versus

Sajjan Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Kulwant Singh Dhanora, Advocate,
for the appellants.

Mr. Ashwani Talwar, Advocate,
for the respondent/Insurance Company.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

Both learned counsels are ad idem that computations qua compensation of Award are to be done as per the ratio and computation enunciated in the Apex Court judgment in "*Sarla Verma v. Delhi Transport Corporation*" 2009 (3) RCR (Civil) 77 followed by "*National Insurance Company v. Pranay Sethi*" 2017 (4) RCR (Civil) 1009 read with "*New India Assurance Company Limited v. Somwati and others*" ACJ 2020 (Volume IV)".

2. Computation of compensation as per Mr. Ashwani Talwar, learned counsel for the Insurance Company, as per judgment, *ibid* is as below:

Sr. No.	Details	MACT Awarded Per year (in Rs.)	Fresh calculations
01.	Income	Rs.1,20,000/-	Rs.4,00,000/- (Ex.P-10) Rs. 40,800/- (Income tax) Rs. 3,59,200/- (Per Year)
02.	Future Prospects	30% Rs.1,56,200/-	25% (as per Pranay Sethi) Rs.4,49,000/-

03.	Deduction 1/4 th	<u>Rs.39,000/-</u> <u>Rs.1,17,000/-</u>	<u>Rs.1,12,250/-</u> <u>Rs.3,36,750/-</u>
04.	Multiplier	<u>13</u> <u>Rs.15,21,000/-</u>	<u>13</u> <u>Rs.43,77,750/-</u>
05.	Conventional	<u>Rs.35,000/-</u> <u>Rs.15,56,000/-</u>	<u>Rs. 70,000/-</u> <u>Rs. 1,60,000/-</u> <u>Rs.45,37,750</u>
06.	Medical Bills	<u>Rs.2,69,078/-</u> <u>Rs.18,25,078/-</u>	<u>Rs. 2,69,078/-</u> <u>Rs.48,06,828/-</u>
		Total amount Already awarded	<u>Rs.48,06,828/-</u> <u>Rs.18,25,078/-</u>
		Enhanced amount	<u>Rs.29,81,750/-</u>

3. The above computations as provided by Mr. Ashwani Talwar, Advocate, representing the insurance company, are not objected by learned counsel for the claimant/appellants, except for the fact, that the future prospects ought to be calculated at 30% and not 25%.

3. Learned counsel for the appellants contends that the deceased/victim was a permanent employee and was working as Area Manager in Assam Bengal Roadways Private Limited, Nagpur.

4. Learned counsel for the respondent/Insurance Company controverts the same on the ground that deceased/victim was an employee in the private company and therefore, the claimants cannot be given the benefit of 30% towards future prospects.

5. I have perused the records carefully, including the Income Tax Returns of the deceased/victim, I am of the view that even though he was a private sector employee, he is entitled to parity with the government employee, given track record of his earnings. Also, I am of the view that the word “permanent” cannot, in all situations, be defined to mean that only government employees are to be treated as permanent. There can be situations where an

employee may be in private sector and yet he may have a protection of continuity of his job. The future prospects have been validly computed by 30% by Motor Accident Claims Tribunal and I see no grounds to interfere qua the same.

6. In terms thereof, the computation is revised as below :

Sr. No.	Details	MACT Awarded Per year (in Rs.)	Fresh calculations
01.	Income	Rs.1,20,000/- Per year	Rs.4,00,000/- (Ex.P-10) Rs. 40,800/- (Income Tax Rs. 3,59,200/- (P.A)
02.	Future Prospects	30% (Rs.36,000/-) Rs.1,56,000/-	30% (Rs.1,07,760/-) Rs.4,66,960/-
03.	Deduction 1/4 th	<u>Rs.39,000/-</u> <u>Rs.1,17,000/-</u>	Rs.1,16,740/- Rs.3,50,220/-
04.	Multiplier	<u>13</u> Rs.15,21,000/- <u>Rs. 35,000/-</u> <u>Rs.15,56,000/-</u>	<u>13</u> Rs.45,52,860/- Rs. 70,000/- Rs. 1,60,000/- Rs.47,82,860/-
05.	Medical Bills	<u>Rs. 2,69,078/-</u> <u>Rs.18,25,078/-</u>	Rs. 2,69,078/- Rs.50,51,938/-
		Enhanced amount along with interest @ 7%	(-) Rs.18,25,078/- Rs.32,26,860/-

7. In the premise, the compensation granted by the Motor Accident Claims Tribunal is enhanced by an amount of Rs.32,26,860/- . The same shall be payable along with interest @ 7% per annum with effect from the date of filing the claim petition before the MACT till the actual date of payment.

APRIL 01, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No