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

115 **2023:PHHC:122661**

FAO-3491-2012 (O&M)
Date of decision: 19.09.2023

REENA DEVI AND ORS **..Appellants**

Versus

ANIL KUMAR AND ORS **..Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurinder Pal Singh, Advocate
for the appellants.

Mr. Subhash Goyal, Advocate
for respondent No.3.

ANIL KSHETARPAL, J(Oral)

1. This is the claimants appeal for enhancement for compensation from the amount awarded by the Motor Accident Claims Tribunal. The correctness of the findings with regard to the accident, rash and negligent driving of the vehicle and the liability of the insurance company is not in dispute.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. The learned counsel representing the appellants submits as per the last pay certificate (Ex.P-4), late Sepoy Sh. Vijay Pal was drawing salary of Rs.15,255/- which includes basic pay of Rs.7,300/-, grade pay of Rs.2,000/-, Military Service Pay of Rs.2,000/- and Dearness Allowance at the rate of 35% of Rs.3,955/-. He submits that the Court has wrongly assumed that the net payable salary of the deceased comes to Rs.13,255/- by deducting Rs.2,000/- payable on account of Military Service Pay. He further submits that no amount has been awarded towards increase in the income on

account of future prospects particularly when Sh. Vijay Pal was aged about 27-28 years at the time of his death.

4. On the other hand, the learned counsel representing the respondents submit that the appropriate amount has already been awarded towards compensation.

5. This Court has considered the submissions of the learned counsel representing the parties.

6. It is evident from the last pay certificate (Ex.P-4) that the salary of the deceased was Rs.15,255/-. Thus, the entire calculation was required to be based on that amount rather than on Rs.13,255/-. Moreover, as per the judgment passed by the Five Judge Bench in ***National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC Online SC 1270***, the claimants are entitled to increase in the income on account of future prospects.

7. In this case, the deceased was in permanent job and therefore, the claimants shall be entitled to increase at the rate of 50%.

8. Keeping in view the aforesaid facts, the revised amount is calculated as under:-

Heads	**Amount awarded by the Motor Accidents Claims Tribunal (MACT).**	**Amount awarded by the High Court**
Monthly Income	Rs.13,255/-	Rs.15,255/-
Future Prospects (50%)	-NIL-	Rs.15,255/- + Rs.7,627/- = Rs22,882/-
Dependancy (¼)	Rs.13,255/- – Rs.3,313.75/- = Rs.9,941.25/-	Rs.22,882/- – Rs.5,720/- = Rs.17,162/-
Annual Income X Multiplier (17)	Rs.9,941.25/- X 17 X 12 = Rs.20,28,015/-	Rs.17,162/- X 17 X 12 = Rs.35,01,048/-

Funeral expenses + Transportation	Rs.5,000/-	Rs.5,000/-
Loss of Estate	Rs.5,000/-	Rs.5,000/-
Filial consortium	Rs.5,000/-	Rs.5,000/-
Total amount awarded (Award)	Rs.20,43,015/-	Rs.35,16,048/-
Enhanced compensation	Rs.35,16,048/- – Rs.20,43,015/- = Rs.14,73,033/-	

9. The enhanced compensation shall be payable along with the interest at the rate of 9% from the date of filing of the claim petition till its realization.

10. With these observations, the appeal is disposed of.

11. All the pending miscellaneous applications, if any, are also disposed of.

September 19th, 2023 **(ANIL KSHETARPAL)**
Ay **JUDGE**

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