

2024:PHHC:051483



231.

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

FAO No.168 of 2017 (O&M)

Date of decision: 16.04.2024

Priya and others

.... Appellants

Versus

United India Insurance Company Ltd. and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Arvind Rajotia, Advocate, for the appellants.

Mr. Rajneesh Malhotra, Advocate, for respondent No.1.

None for respondents No.2 and 3.

GURBIR SINGH, J.

1. The claimants have filed the present appeal seeking modification/enhancement of the award dated 23.02.2016 passed by learned Motor Accident Claims Tribunal, Fatehgarh Sahib.

2. Learned counsel for the appellants-claimants restricts his prayer only on the question of future prospects that has not been assessed while calculating compensation.

3. Learned counsel for respondent No.1-Insurance Company has submitted that just compensation has been awarded, so there is no scope for further enhancement.

4. As per the findings of the learned Tribunal, the deceased Yadvinder Pal was 45 years of age at the time of accident. He was working as driver with PRTC, Patiala Depot and was earning Rs.35,379/- per month. Learned Tribunal has not considered the future prospects for assessing the amount of compensation.

4.1 Since PRTC is a Company owned by the Government and the deceased was working with it as a driver, future prospects of 30% were required to be added as held by the Hon’ble Supreme Court in *National Insurance Company Versus Praney Sethi and others, 2017 (4) RCR (Civil) 1009*. Accordingly, award of the Tribunal is modified to said extent only and recalculated as under:-

	Date of Accident	12.08.2015
Age of deceased	45 years	
Claimants	Wife and three children	
Sr. No.	Head	Amount
1.	Income	Rs.35,379/-per month.
2.	Add 30% on account of future prospects	Rs.10,613/- (35,379+10,613)=Rs.45,992/-
3.	Deduction 1/4 th as number of dependents are four	Rs.11,498/- (45,992-11,498)=Rs.34,494/-
4.	Annual	Rs.34,494 x 12=Rs.4,13,928
5.	Multiplier	14
6.	Loss of dependency	Rs.57,94,992/- (4,13,928 x14)
7.	Loss of consortium and loss of funeral expenses as already granted by the Tribunal	Rs.1,25,000/-
	Total	Rs.59,19,992/-
	Compensation granted by Tribunal	Rs.46,61,000
	Compensation enhanced	Rs.12,58,992/-

5. In view of above, the award dated 23.02.2016 passed by the learned Tribunal is modified to the above extent and the enhanced amount

shall be disbursed along with interest awarded by the Tribunal, amongst the appellants-claimants, in the manner already indicated by the Tribunal in its award.

- 6. Appeal stands allowed accordingly.
- 7. Pending application, if any, shall also stand disposed of.

(GURBIR SINGH)
JUDGE

April 16, 2024
sanjeev

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