

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-6077-2017 (O&M)
Date of decision : 30.04.2024

Amit Kumar & Ors. ... Appellant(s)
Versus
Parveen Kumar & Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Balkar Singh, Advocate for the appellants.
Mr. Rajbir Singh, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-19752-CII-2017

For the reasons stated therein, the delay of 66 days in filing the present appeal is condoned. Application stands disposed off.

FAO-6077-2017

1. The only ground of challenge in the present appeal to the award dated 10.01.2017 passed by the Motor Accident Claims Tribunal, Sonapat is to the extent that no future prospects have been awarded to the claimant-appellants.
2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.
3. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 53 years of age at the time of the

accident and as per the law laid down by the Hon’ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** and **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]** future prospects to the extent of 10% ought to have been awarded.

4. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

5. I have heard the learned counsel for the parties.

6. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.10,000/-
2	Annual Income	[Rs.10,000x12]=Rs.1,20,000/-
3	Deduction 1/3 rd	[Rs.1,20,000-40,000]=Rs.80,000/-
4	Multiplier - 11	[Rs.80,000x11]=Rs.8,80,000/-
5	Funeral expenses	Rs.25,000/-
6	Loss of consortium to wife	Rs.1,00,000/-
7	Love and affection	Rs.1,00,000/-
8	Total Compensation	Rs.11,05,000/-
	Interest	7.5%

7. In the present case, the only ground of challenge is that no future prospects have been awarded to the claimant-appellants. The deceased was 53 years of age at the time of the accident and hence as per the law laid

down by the Hon’ble Supreme Court in the cases of **Pranay Sethi** (supra) and **Magma General Insurance Company Limited** (supra), future prospects to the extent of 10% are awarded to the claimant-appellants.

Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.10,000/-
2	Annual Income	[Rs.10,000x12]=Rs.1,20,000/-
3	Deduction 1/3 rd	[Rs.1,20,000-40,000]=Rs.80,000/-
4	Future Prospects - 10%	[Rs.80,000+8,000]=Rs.88,000/-
5	Multiplier - 11	[Rs.88,000x11]=Rs.9,68,000/-
6	Funeral expenses	Rs.25,000/-
7	Loss of consortium to wife	Rs.1,00,000/-
8	Love and affection	Rs.1,00,000/-
9	Total Compensation	Rs.11,93,000/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5 % per annum from the date of filing of the claim petition till the realization of the entire amount. The amount shall be apportioned between the claimants as directed by the Tribunal.
9. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

30.04.2024

Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO

(ALKA SARIN)

JUDGE