

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. T. VAIPHEI**

Present:

For the petitioner : Mr. A. Das, Advocate.

For the respondents : Mr. P. Gautam, Advocate.

30.11.2017.

After hearing Mr. A. Das, the learned counsel for the review petitioner and Mr. P. Gautam, the learned counsel for the Insurance Company, I am of the view that there is an error apparent on the face of record with respect to my judgment dated 30.05.2017 passed in the connected MAC APP. No.90 of 2013.

The law is now well settled that in addition to the established income of the victim, it is necessary to add 30% to such an income as loss of future prospect, provided the victim was 34 years old at the time of the accident. In my judgment, the loss of future prospect of the victim was inadvertently not taken into account or added to the established income of the victim, which is contrary to the settled law of the land.

Under the circumstances, there is an error apparent on the face of record, which warrants a review of my order. Instead of ₹12,76,527/-, the review petitioner is entitled to ₹15,76,147/- as compensation payable to him. The compensation is arrived at by adding ₹1,950/- to his established monthly income of ₹6,500/-, which comes to ₹8,450/- per month. Since the functional disability of the victim is confined to 80%, so the loss of the monthly income of the victim will come to 6,760/- which when multiplied by 12 come to ₹81,120/- per year, which will amount to his yearly loss of income. As the appellant was 34 years old at the time

of the accident, a multiplier of 16 shall have to be adopted and when so adopted, the amount of compensation payable to him will work out to be ₹12,97,920/-. To this amount shall be added ₹1,00,000/- for pain and suffering, ₹92,333/- for pecuniary damages, ₹3,000/- as cost of attendants, ₹70,944 as cost of air tickets, ₹1,950/- as doctors fee and ₹10,000/- as conveyance allowance, the total whereof comes to ₹15,76,147/-. The petitioner is also entitled to interest @ 8% per annum *w.e.f.* the date of the claim petition. There shall be no penal interest.

This review petition succeeds. The respondent-insurer (United India Insurance Company Ltd.) is directed to deposit, if not already deposited, a sum of ₹15,76,147/- together with interest @ 8% per annum from the date of the claim petition to this Registry for payment to the review petitioner. As and when the amount is paid, the same shall be released to the petitioner without further reference to this Court after satisfying the usual formalities. Any amount already deposited shall be adjusted accordingly.

Resultantly, the judgment dated 30.05.2017 passed in the connected MAC APP. No.90 of 2013 stands modified in the manner and to the extent indicated above.

The review petition is disposed of.

CHIEF JUSTICE

Pulak