

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

FAO No.1598 of 2015 (O&M)

Date of decision: 28.10.2015

The New India Assurance Company Limited

... Appellant

versus

Smt. Manju Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Suvir Dewan, Advocate,
for the appellant.

Mr. Ashwani Arora, Advocate,
for respondents 1 to 5.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The appeal by the Insurance Company is on a singular aspect of whether a prospect of increase in income could be provided for. The Tribunal has done so and the Insurance Company would make an issue of the fact that there had been a reference to a larger Bench. Here is a case where the deceased was less than 40 years of age and was running a *pan beedi* shop. I cannot imagine that a *pan beedi shopwala* will stagnant in his life while a class IV employee in government service will alone receive an increase in

salary. In a developing country that sets a growth prospect of 7.5% and competes globally for a higher percentage of growth with countries like China, increase in prospect of income is as sure as sun and I will find no reason to suspect that the provision for an increase in future could not have been made or if made, was not tenable. I find the assessment made as appropriate and will not allow for the insurer to come up in appeal only for this issue of whether the prospect of increase in income could have been provided or not. There is no other legal issue canvassed. The Insurance Company ought not to be in appeal only on the ground of quantum.

2. The appeal is dismissed.

(K.KANNAN)
JUDGE

28.10.2015
sanjeev