

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

**FAO No.1916 of 2015 (O&M)
Date of Decision: March 23, 2015**

United India Insurance Company Limited Appellant

vs.

Kamla Devi and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. D.P. Gupta, Advocate for the appellant.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

CM-5985-CII-2015

For the reasons mentioned in the application, delay of 76 days in filing the present appeal is condoned, subject to all just exceptions.

Application stands disposed of.

FAO-1916-2015

On 01.02.2013, Ranjodh Singh was going on his motor cycle bearing registration No.PB-11AL-1355 and Maghar Singh was riding on the pillion. At about 8.00 p.m., when they reached about

400 yards ahead the bus stop of village Rakhra towards the side of Nabha, a tractor trolley bearing registration No.UP-12C-2147 being driven by respondent No.1 Karamdeen(respondent No.6 in the present appeal) hit their motorcycle. As a result of the accident, Ranjodh Singh received multiple grievous injuries and Maghar Singh shifted him to the hospital. Manjit Singh, a 'Rehri' puller also witnessed the said occurrence. On the basis of the statement of Maghar Singh, FIR No.13, dated 02.02.2013 under Section 304-A, 279, 427 of the Indian Penal Code, 1860 was registered at Police Station Passiana. Ranjodh Singh (deceased) was 41 years of the age at the time of his death. He was employed with 'Glaxo Smith Kline Consumer Healthcare Factory' and was earning ₹40,000/- per month as salary.

After recording the evidence, the Motor Accident Claims Tribunal, Patiala (in short 'the Tribunal'), on the basis of the salary certificate of the deceased, took his income @ ₹25,000/- per month. On the basis of birth certificate, the age of the deceased was taken to be 42 years. 30% of the income was added on account of future prospectus and the income tax liability was also deducted. Accordingly, the compensation of ₹41,36,250/- (Rupees forty one lacs thirty six thousand two hundred fifty only) was allowed.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

Learned counsel for the Insurance Company-appellant has argued that 30% increase of the income on account of future prospectus was wrongly allowed. It has also been argued that the matter is pending before Hon'ble the Supreme Court and the same has been referred to the larger Bench. In case of "**Rajesh and others vs. Rajbir Singh**" 2013 (3) RCR (Civil) 170, the three judges of the Hon'ble Apex Court has held that in case of private employment, future prospects are to be added. The ruling has not been over ruled so far and the mere fact of pendency of the matter before a larger Bench is no ground to hold that future prospects are not be to allowed in case of private employment.

Learned counsel for the Insurance Company-appellant has further argued that in this case, Maghar Singh, who had lodged the FIR, was not examined and one Manjit Singh was examined, who had witnessed the occurrence.

A perusal of the impugned Award shows that in this case, investigation was done and after the investigation, the police found that respondent No.1 Karamdeen was involved in the accident and accordingly, the challan was presented. The copy of the challan (Ex.C-3) was produced. Respondent Nos.1 and 2 (respondent Nos.5 and 6 herein) did not enter into the witness box to prove that respondent No.1 (respondent No.5 herein) was not involved in the accident. Therefore, the evidence of the claimants remained

unrebutted. Therefore, I do not find any fault in the findings recorded by the Tribunal.

Accordingly, the present appeal is dismissed.

March 23, 2015
sarita

(KULDIP SINGH)
JUDGE