

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

FAO No. 2030 of 2015 (O&M)

Date of decision: 17.11.2015

National Insurance Company Limited

... Appellant

versus

Chitra Ghai and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

K.Kannan, J.

The appeal is against the assessment of compensation for death of a male aged 39 years. The deceased was said to be engaged in business and was an income tax assessee till his death. The last of the assessment year 2012-13 under Ex. Annexure P7 revealed that his profit and gains from business had been returned as Rs. 2,55, 600/- and the income less tax was assessed at Rs. 2, 24, 091/-. The Tribunal has taken an annual income at Rs. 2,18,400/- and odd, and made a provision for prospect of increase of income and assessed the compensation after applying the multiplier of 15 in the manner suggested by the Supreme Court in Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77.

The ground alleged is that the issue of prospect of increase for future income is a subject of reference to the larger Bench before the Supreme Court and the Court could not have provided for future increase as well. I reject this argument and hold that the person who was shown to be an income tax assessee for 4 years prior to his death and where the income tax returns showed a progressive increase of income every year over the earlier years, the provision made for future increase was justified and the assessment made confirms to the parameters laid down by several decisions of the Supreme Court and

FAO No. 2030 of 2015 (O&M)

-2-

more particularly through the decisions in Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77 and Rajesh and others Vs. Rajbir Singh and others, 2013 (9) SCC 54

The award does not require any intervention and the appeal is dismissed. The amount of Rs. 25,000/- deposited before this Court is ordered to be transmitted to the credit of the Tribunal for withdrawal by the claimants in part satisfaction of the claim against the insurer.

(K.KANNAN)
JUDGE

17.11.2015
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