

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.04.21 10:21
I attest to the accuracy and
authenticity of this document

CM No. 7541-CII of 2015 in/and
FAO No. 2402 of 2015 (O/M)
Date of decision : 10.4.2015

National Insurance Company Ltd. Appellant

Versus

Premwati and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amrinder Singh Sidhu, Advocate,
applicant-appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

CM No. 7541-CII of 2015

There is 20 days' delay in re-filing the present appeal.

For the reasons mentioned in the application, which is accompanied by the affidavit of Mr. Amrinder Singh, Advocate, for the applicant-appellant, the delay of 20 days in filing the present appeal is condoned.

Application is accordingly disposed of.

Main case

This appeal has been filed by the Insurance Company against the award dated 10.11.2014, passed by the Motor Accident Claims Tribunal, Palwal (in short 'the Tribunal').

CM No. 7541-CII of 2015 in/and

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In this case, Budh Singh died as a result of motor vehicle accident, which occurred on 24.11.2011, when he was hit by the offending motorcycle bearing registration No. HR3-J-7006, being driven by respondent No. 1 (respondent No. 7 herein). FIR under Sections 279 and 304-A IPC was registered on the statement of Kishan Lal. The Tribunal assessed the income of the deceased at Rs. 4,500/- per month, as per minimum wages and 30% was added on account of future prospects. Consequently, a compensation of Rs. 7,14,528/- was granted.

Learned counsel for the appellant has argued that in this case, the income on the amount of future prospects was incorrectly added by the Tribunal. The deceased was treated to be a labourer. The matter as to whether future prospects are to be added in case of private employment is pending in the Apex Court.

I am of the view that so far as the authority of the Hon'ble Supreme Court in Rajesh Versus Rajbir, (2013) 9 SCC 54 is concerned, the mere reference of the law points to the Larger Bench is no ground to disallow the future prospects. No other point has been pressed. I do not find any ground to interfere with the award dated 10.11.2014, passed by the Tribunal. Consequently, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

10.4.2015
sjks