

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2681 of 2015 (O&M)

Date of Decision: 22.04.2015

Shri Ram General Insurance Company
Limited

..... Appellant

Versus

Smt. Rekha and others

..... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. M.B. Jain, Advocate,
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The only question raised in this appeal by Mr. Jain against the award of the Motor Accident Claims Tribunal, Gurgaon is that future prospects have been taken into consideration by the Tribunal in working out the compensation in a claim application filed by the dependants following the death of the breadwinner caused in a motor accident. Indisputably, future prospects form a component of calculating compensation in cases of motor accidents and the only exception carved out is where a deceased victim of motor accident was self-employed or worked on fixed wages then the question of dependency has to be viewed differently. In the case of salaried persons additions are to be made in calculating the just and reasonable compensation payable depending upon the age of the deceased and the actual income in view of the decision of the Supreme Court in **Sarla**

Verma & Ors. v. Delhi Transport Corporation & Anr, (2009) 6 SCC

121. Therefore, the reliance of the appellant-Insurance Company placed on the judgment of the Supreme Court in Civil Appeal No.2836 of 2015 titled **Shashikala and others vs. Gangalakshamma and another**, decided on March 13, 2015 will not be applicable and the reference to the larger Bench will not come to the rescue of the learned counsel appearing for the Insurance Company since that reference order for a decision of a larger Bench is confined to a class of cases involving self-employment or fixed wages. The deceased here worked as a Helper in a factory at Faridabad and had a secure job before he died.

No ground for interference is made out.

Dismissed.

Since the appeal is dismissed, the appellant will be at liberty to seek a certificate from this Court for refund of the amount of Rs.25,000/- deposited for entertainment of appeal.

(RAJIV NARAIN RAINA)
JUDGE

22.04.2015
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