

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4252 of 2015 (O&M)
Date of decision 28.08. 2015.

Chandigarh Transport Undertaking

..... Appellant.

versus

Pooja & others .

..... Respondents.

CORAM :- HON'BLE MR.JUSTICE K.C.PURI.

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?

Present : Mr. Vikas Chatrath, Advocate with
Mr. Ankit Joshi, Advocate for the appellant.

K.C.PURI, J.

This appeal is directed by Chandigarh Transport Undertaking against the Award dated 13.02.2015, Motor Accident Claims Tribunal, Chandigarh vide which claim petition preferred by the claimant was partly allowed.

2. Briefly stated Pooja Devi aged 17 years minor through her father Baijnath Saha filed claim petition claiming compensation on account of injuries sustained by Pooja Devi in the motor vehicular accident. The learned Tribunal after adjudication partly accepted the claim petition and

allowed a sum of Rs.17,79,464/-. The details of which is given as under :-

1. Hospitalization charges, treatment expenses and expenses incurred on medicines	Rs.31,464/-
2. Special Diet & attendant charges	Rs.67,000/-
3. Transportation charges	Rs.10,000/-
4. Pains & sufferings	Rs.75,000/-
5. Loss of future earnings	Rs.12,96,000/-
6. Loss of amenities and marriage prospects	Rs. 2,00,000/-
7. Additional expenses on treatment in future	Rs. 1,00,000/-
Total	Rs.17,79,464/-

3. Feeling dissatisfied with the Award dated 13.02.2015, the present appeal has been directed by respondent-appellant-Chandigarh Transport Undertaking.

4. I have heard learned counsel for the appellant and have gone through the records of the case file with his able assistance.

5. Learned counsel for the appellant has challenged the award on the ground that 50% increase has been wrongly added in respect of future prospect. It is submitted that matter is pending before larger Bench of Hon'ble Supreme Court as mentioned in **SLP (Civil) 8058 of 2014 titled as National Insurance Company Ltd. vs. Pushpa and others decided on 02.07.2014.**

6. I have considered the said submission but do not find any force in that submission.

7. In authority **Munna Lal Jain and another vs. Vipin Kumar Sharma and others Civil Appeal No.4497 of 2015 decided on 15.5.2015** while relying upon authority **Rajesh and others vs Rajbir Singh and others reported in 2013 (3) RCR (Civil) page 170,** it has been held that

future prospect has to be considered in respect of a fixed salaried person or self-employed person. In the present case, the injured is a student of 17 years and has suffered permanent disability to the extent of 50% in respect of arm and leg. The counsel for the appellant could not point out any infirmity in calculating the amount of compensation. A young girl, who has suffered disability in the leg and arm has to undergo a severe type of mental agony and pain. Marriage prospects of the injured have also affect and keeping in view the future earnings Rs.17,79,464/- is not excessive. Therefore, the present appeal does not call for any interference.

8 A copy of this judgment be sent to the trial Court for strict compliance.

(K.C.PURI)
JUDGE

August 28, 2015
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