

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

**FAO No.4396 of 2015 (O&M)
Date of Decision: July 22, 2015**

National Insurance Company Ltd. Appellant

vs.

Sagar and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Harsh Aggarwal, 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)

This is an appeal filed by the Insurance Company against the Award dated 19.01.2015 passed by the Motor Accident Claims Tribunal, Palwal (in short 'the Tribunal').

Learned counsel for the appellant contends that in this case the income of the deceased was taken to be ₹5,000/- per month and that 50% future prospects have also been added, even though the deceased was working as a Washerman in a dryclean shop. Therefore, the future prospects should not have been added.

Recently a three Judges Bench of Hon'ble Supreme Court in ***“Munna Lal Jain and another vs Vipin Kumar Sharma and others”*** in Civil Appeal No.4497 of 2015, decided on 15.05.2015, examined the question of grant of compensation to the

self-employed person. Deceased was self-employed *Pandit* and was bachelor in the said case. The question of grant of future prospects to self-employed person was also considered. The Apex Court after examining the authority of “***Santosh Devi vs National Insurance Company Limited***”, (2012) 6 SCC 421, “***Smt. Sarla Verma and others vs Delhi Transport Corporation and another***” (2009) 6 SCC 121, took the view that even in case of self-employed person, addition of future income on account of future prospects is to be added.

It being so, the matter has already been settled by Hon'ble the Supreme Court. Therefore, even in case of self employed, the income on account of future prospects is to be added. The income of the deceased was taken to be as minimum wages.

Therefore, there is no illegality and infirmity in the impugned Award.

Accordingly, the present appeal is dismissed.

July 22, 2015
sarita

(KULDIP SINGH)
JUDGE