222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.973 of 2013 (O&M)
Decided on: 11.5.2015.

ICICI Lombard Insurance Company Limited
... Appellant

Versus

Shyamo and others ... Respondents

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

Present : Mr. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate,
for the appellant.

Mr. Vikram Bali, Advocate,
for respondents No.1 to 6.

Mr. R.L. Yadav, DAG, Haryana.

K.C.PURI.J.(ORAL)

This is an appeal directed by insurance company against the Award dated 21.12.2012 passed by Sh. S.K. Aggarwal, Presiding Officer, Motor Accident Claims Tribunal, Chandigarh (for short "the Tribunal") vide which the claim petition was partly accepted and a sum of Rs.9,82,000/- was awarded as compensation.

The income of the deceased was taken as Rs.4000/- per month as casual labourer. 50% increase was given as the deceased was 25 years old. So, the income was assessed as Rs.6000/-. The yearly income was taken as Rs.72,000/- (6000x12). There were six claimants so, the dependency was calculated by deducting 1/4th in respect of personal expenses and the annual dependency was taken as Rs.54000/-. The age of the deceased was 25 years, therefore, multiplier of 18 was applied and the amount of compensation calculated was Rs.9,72,000/-

(54,000 x 18). Further, a sum of Rs.5000/- was awarded for funeral expenses, Rs.5000/- were awarded for consortium and in this manner, compensation of Rs.9,82,000/- was allowed in all.

The only point urged during the course of arguments is that 50% increase has been given wrongly as the matter regarding grant of future prospects to self-employed person is pending before the larger Bench of the Hon'ble Supreme Court.

I have considered the submission made learned counsel for the appellant but do not find any force in that submission.

The point regarding grant of future prospects in respect of self employed person and fixed salaried person has been considered by this Court in authority **Balbir Kaur and others vs. State of Haryana and others (FAO No.3903 of 2012 decided on January 15th, 2014)** and the ratio of judgment in **Rajesh's case (supra)** has been followed by this Court in the said case. Even otherwise, the wages of a labourer are periodically enhanced by the Government by enhancing the minimum wages. So, there is no point in withholding the concession of future prospects in favour of a labourer.

No other point has been urged by learned counsel for the appellant. So, the appeal is without any merit and the same stands dismissed with costs. The costs is assessed as Rs.5000/-.

11.5.2015. **(K.C.PURI)**
SN **JUDGE**