

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 5515 of 2015(O&M)

Date of Decision: August 26 , 2015.

United India Insurance Company Ltd.

..... APPELLANT (s)

Versus

Sunita Devi and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Suvir Dewan, Advocate
for the appellant.

1. Whether reporters of local papers 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?

LISA GILL, J.

Present appeal has been preferred by the Insurance Company with a sole ground of challenge to the impugned award dated 06.05.2015 passed by Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as, the 'Tribunal') that component of future prospects should not have been added in the income of the deceased who was working as a Salesman in a wine shop. It is submitted that the deceased not being in a permanent or a government job but being self-employed, future prospects to the tune of 50% have been wrongly awarded by the learned Tribunal vide impugned award. A sum of ₹5,35,000/- is stated to be granted in excess by the Tribunal. Rest of the assessment nor any other finding is under challenge.

Facts of the case are that, Jaswinder Kumar (deceased) was going from Nurpur Bedi towards his village Haibowal on 11.09.2014 on his motorcycle bearing registration No. PB-07-AL-4009. Husan Lal was following him in his Bolero Jeep bearing registration No. PB-12S-7417. When Jaswinder Kumar reached near Peer Baba Jinda Shaheed School, village Singhpur at about 9.30 p.m., a Maruti car bearing registration No. CH-03-D-6646 being driven in a rash and negligent manner by respondent No.8 – Som Nath struck against the motorcycle of Jaswinder Kumar after crossing the Bolero Jeep. Due to the impact, Jaswinder Kumar received multiple injuries on his head and other parts of the body. He succumbed to the injuries on the way to Civil Hospital, Ropar. Claim petition under Section 166 of the Motor Vehicles Act, 1988 was preferred by the claimants, i.e., widow, minor children and parents of the deceased.

Learned Tribunal concluded the accident to have been caused due to the rash and negligent driving of Maruti car No. CH-03-D-6646 by respondent No.8 – Som Nath. Monthly income of the deceased as assessed at ₹7,000/- per month. Keeping in view his age being 29 years at the time of accident, 50% increase in income was added taking it to be ₹10,500/- per month and annual income to be ₹1,26,000/-. Deduction of 1/4th was applied and annual dependancy of the claimants worked out at ₹94,500/-. Multiplier of 17 was applied. Compensation as detailed below was awarded:-

Loss of dependancy (94,500x17)	₹16,06,500/-
Loss of consortium	₹1,00,000/-
Transportation	₹5,000/-
Funeral expenses	₹10,000/-
Grand Total	₹17,21,500/-

Learned counsel refers to order dated 02.07.2014 of Hon'ble Supreme Court in CC No.8058 of 2014 (National Insurance Company Ltd. v. Pushpa and others) to submit that while considering its earlier pronouncements in Reshma Kumari and others v. Madan Mohan and another, (2013) 9 SCC 65 and Rajesh and others v. Rajbir Singh and others, 2013(3) RCR(Civil)170(SC) the matter in respect to addition in income on account of future prospects stands referred to a larger Bench. It is however, not disputed that operation of the decision in Rajesh Rajbir's case (supra) has not been stayed. It is also not disputed that the Hon'ble Supreme Court in Munna Lal Jain v. Vipin Kumar Sharma, (2015) 6 SCC 347 has itself granted addition in income on account of future prospects in respect to a person who was self-employed.

In view of the abovesaid, I do not find any ground to interfere in the impugned award dated 06.05.2015 passed by the learned Tribunal. Addition of 50% in income on account of future prospects has been rightly awarded taking into account the age of the deceased being 29 years at the time of occurrence.

Therefore, keeping in view the facts and circumstances of this case, there is no infirmity, illegality or perversity in the impugned award dated 06.05.2015 passed by the Motor Accident Claims Tribunal, Rupnagar which would warrant interference.

Appeal is accordingly dismissed.

August 26 , 2015.
'om'

(**LISA GILL**)
JUDGE