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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 5th February, 2015

+ **MAC.APP. 18/2012**

ARCHNA & ORS.

..... Appellants

Through: Mr. Abdul Wajid, Adv. with
Mr. Javed Ahmed, Adv.

versus

NEW INDIA INSURANCE COMPANY LTD. & ORS.

..... Respondents

Through: Mr. Salil Paul, Adv. with
Mr. Sahil Paul, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

G. P. MITTAL, J. (ORAL)

1. This appeal is for enhancement of compensation of Rs.12,65,000/- awarded by the Motor Accident Claims Tribunal (the Claims Tribunal) for the death of Mr. Jaipal, who died in a motor vehicular accident which occurred on 07.10.2006.
2. The only ground of challenge raised by the Appellants is that deceased Jaipal was having good future prospects and even if he was a self-employed person, the Appellants are entitled to addition of 50% towards goods future prospects as the income of the deceased had

increased from Rs.55,763/- to Rs.1,02,233/- per annum on the date of the death.

3. A perusal of the Affidavit filed by the first Appellant reveals that she claimed the income of deceased Jaipal to be Rs.6,000/- per month. The income reflected in the Income Tax Returns (ITR) for the last year was much more than that on the basis of which the compensation was granted. On the basis of just two ITRs, it cannot be said that deceased Jaipal was having good future prospects entitling addition of 50% towards loss of dependency.
4. Addition towards future prospects is permissible only when there is evidence of good future prospects. In this connection, a reference may be made to a judgment of this Court in *HDFC ERGO General Insurance Co. Ltd. v. Smt. Lalta Devi & Ors.*, MAC. APP. 189/2014 decided on 12.01.2015, whereby this matter was discussed at great length.
5. The appeal therefore, has to fail; the same is accordingly dismissed.
6. Pending application also stands disposed of.

(G.P. MITTAL)
JUDGE

FEBRUARY 05, 2015/vk