IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.2286 of 2013 (O&M)

Date of decision : 15.03.2016

Future Generali India Insurance Co. Ltd.

......Appellant

Versus

Ombir and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. *Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
2. *To be referred to the Reporters or not ? Yes*
3. *Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Vishal Aggarwal, Advocate for appellant.

Mr. Amardeep Hooda, Advocate for respondents No.3 & 4.

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DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-Future Generali India Insurance Company Limited (respondent No.3 in the claim petition) against the award dated 15.02.2013, passed by the learned Motor Accidents Claims Tribunal, Palwal (hereinafter called the 'Tribunal') vide which respondents No.1 & 2-claimants have been awarded the compensation to the tune of Rs.9,04,000/- on account of death of Dhanpati in the motor vehicular accident, which took place on

07.10.2011.

2. Learned counsel for the appellant contended that the learned Tribunal has wrongly awarded the future prospects towards the income of the deceased. He further contended that respondent No.1 Ombir was the husband of the deceased. He was not dependent upon the income of the deceased. So, 50% of the income of the deceased should have been deducted towards her personal and living expenses. Thus, he contended that the compensation awarded by the learned Tribunal is exorbitant.

3. I have duly considered the aforesaid contentions.

4. The learned Tribunal has held the deceased to be a labourer and has taken her income to be Rs.4000/- per month being the minimum wages. It is a matter of common knowledge that even the wages of the labourer gain appreciation with the passage of time, that is why the government regularly revises the minimum wages of the daily wagers. So, mere this fact that deceased was a labourer is no ground to decline the addition of the future prospects to her income. Moreover, in a latest pronouncement of the Hon'ble Apex Court in case ***Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304***, it has been laid down that the future prospects are admissible even to the self-employed persons. Thus, no fault can be found in adding 50% of the income of the deceased towards future prospects by the learned Tribunal.

5. The deceased was a working lady. She was earning Rs.4000/- per month by working as a labourer and was contributing the

income to the family. So, her husband was also getting benefit of the income of the deceased. Thus, there is no wrong in deduction 1/3rd of the income of the deceased towards her living and personal expenses by the learned Tribunal.

6. Consequently, I do not find any merits in the present appeal and same is hereby dismissed.

15.03.2016 **(DARSHAN SINGH)**
sunil yadav **JUDGE**