

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

FAO No.4626 of 2014 (O&M)
Decided on: 15.07.2016

United India Insurance Company Limited

....Appellant

Versus

Murti @ Sumitra and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. R.K. Bashamboo, Advocate for the appellant.

Mr. Rajesh Sheoran, Advocate for respondents No.1 to 4.

None for respondents No.5 and 6.

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?*

REKHA MITTAL, J.

The present appeal has been directed against the award dated 04.04.2014 passed by the Motor Accident Claims Tribunal, Bhiwani (in short 'the Tribunal') whereby compensation has been awarded in favour of Murti and others in regard to death of Ram Avtar in a motor vehicular accident that took place on 18.03.2012.

The sole submission made by counsel for the appellant/United India Insurance Company Limited (hereinafter to be referred as 'the company') is that the learned Tribunal has allowed benefit of increase in income to the extent of 30% for future prospects but the matter with regard to future prospects is pending consideration before a Larger Bench of Hon'ble the Supreme Court of India in

“National Insurance Company Limited Vs Pushpa and others” SLP

No.8058/2014.

Counsel for the contesting respondents has supported the award with the submissions that till the time, judgment passed by three Judges Bench "***Rajesh and others Vs. Rajbir Singh and others***", 2013(3) R.C.R. (Civil) 170, is varied or set-aside by the Larger Bench, the same would hold good for all intents and purposes.

I have heard counsel for the parties and perused the paperbook particularly the award passed by the learned Tribunal.

Be that as it may, it remains a fact that in the judgment passed by Hon'ble the Supreme Court ***Rajesh and others case (supra)***, it has been held that benefit of increase in income is available even to a self-employed or person working on fixed wages. The mere fact that the question with regard to grant of future prospects is pending consideration before a Larger Bench is not sufficient to deny the said benefit till the time, the judgment in ***Rajesh and others case (supra)*** is varied or set-aside. In this view of the matter, I find myself unable to accept the submissions made by counsel for the appellant that interference in the award passed by the Tribunal is warranted.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed. No order as to costs.

15.07.2016
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(REKHA MITTAL)
JUDGE