

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

FAO-4716-2016

Decided on: 16.08.2016

THE NEW INDIA ASSURANCE COMPANY LTD

.... APPELLANT

VERSUS

SEELA DEVI @ SILA DEVI AND ORS

..... RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

Rekha Mittal, J. (Oral)

The present appeal has been directed against the award dated 30.05.2016 passed by the Motor Accident Claim Tribunal, Chandigarh (in short 'the Tribunal') whereby compensation has been awarded in favour of the claimants/respondents in regard to death of Narinder Singh in a motor vehicular accident that occurred on 15.03.2016.

The sole submission made by counsel for the appellant is that the learned Tribunal has allowed benefit of increase in the income for future prospects by relying upon judgment of Hon'ble the Apex Court in **Rajesh and others vs. Rajbir Singh and others 2013(3)RCR (civil) 170** but the matter with regard to future prospects, in similar circumstances of the present case, is pending consideration before a larger Bench of Hon'ble the Supreme Court in view of reference made in **National Insurance Company Limited v. Pushpa (SLP (c) No. 16735 of 2014, decided on 02.07.2014)** and the observations made by the Apex Court in **Shashikala and others v. Gangalakshamma and another, 2015 ACJ 1239**.

I have heard counsel for the appellant and perused the paper book particularly the award passed by the learned tribunal.

The mere factum that a reference has been made to a larger Bench for grant of benefit of future prospects allowed in view of judgment in **Rajesh and others (supra)** is not sufficient to deny the said benefit till the aforesaid judgment is set aside or varied.

In view of what has been discussed hereinabove, finding no merit, the appeal is dismissed in limine. No order as to costs.

16.08.2016
Dinesh

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No