

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 4987 of 2016 (O&M)

Date of Decision : 29.08.2016

National Insurance Company Ltd.

....Appellant

Versus

Saroja and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Madhu Sharma, Advocate
for the appellant.

Surinder Gupta, J.

This is appeal by National Insurance Company Ltd. against award dated 04.03.2016, passed by Motor Accident Claims Tribunal, Chandigarh (later referred to as 'the Tribunal') allowing compensation for death of Om Parkash in a motor vehicle accident on 11.08.2015 with car bearing registration No. PB-65-AC-1264 (later referred to as the offending vehicle).

2. The Tribunal allowed compensation of ₹18,45,000/- (wrongly mentioned as ₹18,40,000/-) to claimants, which was computed as follows:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Om Prakash
(ii)	Age of the deceased at the time of accident	37 years
(iii)	Income of the deceased	₹8000 per month
(iv)	50% of (iii) added towards future prospects	(₹8000+₹4000)= ₹12000 per month
(v)	Annual amount of dependency	(₹12000X12)= ₹144000 per annum
(vi)	1/4 th of (v) deducted towards personal expenses	(₹144000-₹36000)= ₹108000 per annum

(vii)	Amount of dependency after applying multiplier of 15	(₹108000X15)= ₹1620000
(viii)	Loss of consortium	₹100000
(ix)	Loss of consortium	₹100000
(x)	Funeral expenses	₹25000
Total		₹1845000

3. Learned counsel for the appellant has argued that the Tribunal has allowed addition in income of the deceased towards future prospects despite the fact that the matter regarding grant of future prospects has been referred to a larger Bench of Apex Court in case of **National Insurance Company Limited vs. Pushpa and others, 2015 (9) SCC 166** and till the judgment by larger Bench, it is not appropriate to award compensation towards future prospects.

4. The question for grant of future prospects was discussed in detail by this Court in **FAO No. 2032 of 2014 (Kiran @ Sunita and others vs. Naresh Kumar and others) decided on 06.04.2016** and it was observed that claimants are entitled to grant of future prospects as per observations of Apex Court in **Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54**, which was followed in case of **Munna Lal Jain and others vs. Vipin Kumar Sharma and others, 2015 (3) RCR (Civil) 447**. We all are living in the age of inflationary trends where cost of living is increasing day by day. Even otherwise, every person whether he is a daily wager or in any avocation, profession or business, tries to rise high in life. The prices of goods of daily need have also arisen manifold. The prices of food-grains, milk and grocery items have seen manifold increase during this period and this is one of the factor that prevails in the mind of this Court while allowing addition in income of the deceased towards future prospects.

5. In view of above, arguments of learned counsel for the appellant are without merit and are discarded.
6. No other argument has been advanced by learned counsel for the appellant.
7. This appeal has no merit and the same is dismissed.

August 29, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No