

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

-.-

FAO 562 of 2016  
Date of decision: 02.08.2016

*Balbir Singh and another*

*..... Appellants*

*Versus*

*Mahender and others*

*.....Respondent*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Mr. Raman Chawla, Advocate  
for the petitioners

Mr. Lalit Garg, Advocate  
for respondent No. 3-insurance company

-.-

**Rekha Mittal, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation in regard to death of Manoj Kumar son of Shri Balbir Singh.

The sole submission made by counsel for the appellants is that though the learned Tribunal in para 27 of the award has assessed compensation represented in tabulated form and at serial No. (i), there is reference to 50% future prospects but while making calculation, the said benefit was not extended. It is argued that compensation qua loss of dependency requires enhancement by adding income to the extent of 50%.

Counsel for the insurance Company, on the contrary, would urge that as the matter with regard to grant of increase in income for future prospects is pending consideration before a Larger Bench of the Apex 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, the said benefit is not admissible to the appellants.

I have heard counsel for the parties, perused the records and find that the appeal is meritorious and deserves to be accepted.

The mere fact that the question with regard to grant of future prospects is pending before a Larger Bench is not sufficient to deny said benefit to the appellants. The Tribunal has mentioned about future prospects but committed a mistake while making calculation in regard to compensation towards loss of dependency. The compensation for loss of dependency after allowing benefit of increase in income for future prospects to the extent of 50% comes to Rs.6,91,200.00 + Rs.3,45,600.00 = **Rs.10,36,800.00**. The total amount of compensation comes to Rs.10,36,800.00+Rs.25,000.00+Rs.1,00,000.00 = **Rs.11,61,800.00** and the enhanced compensation is Rs.11,61,800.00-Rs.8,16,200.00=**Rs.3,45,600.00** which shall carry interest at the rate of 7.5% per annum from the date of filing of the petition till realization. The compensation shall be deposited in the shape of FDR's for a period of two years.

Disposed of accordingly.

(Rekha Mittal)  
Judge

02.08.2016  
mohan bimbira

Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No