

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

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FAO 6120 of 2016 (O&M)
Date of decision: 06.10.2016

Oriental Insurance Company Limited*Appellant*

Versus

Ami Lal and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Ram Avtar, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

The present petition has been directed against award dated 23.02.2016 passed by the Motor Accidents Claims Tribunal, Rewari (in short, 'the Tribunal') whereby compensation has been awarded in regard to death of Shashi Bhushan in a motor vehicular accident that took place on 16.04.2015.

The sole submission made by counsel for the appellant (insurance Company) is that as the deceased was not a permanent Government employee and was working on contract basis as a driver with Haryana Roadways at a salary of Rs.27,099.00 per month including HRA, Washing Allowance, Medical Allowance i.e. Rs.2790.00 deducted for the purpose of assessment of compensation, the Tribunal has committed a gross error by allowing benefit of future prospects as benefit of future prospects is available only to a permanent employee in view of judgment of Hon'ble the Supreme Court of India *Sarla Verma & Ors vs Delhi Transport Corp.&*

Anr (2009) 6 SCC. 121. In addition, it is argued that accident took place on 16.04.2015 and the deceased died on 09.07.2015 but there is no evidence that he died as a result of injuries sustained in the occurrence.

I have heard counsel for the appellant and perused the paper book particularly the award impugned.

It is an undisputed position of the case that the deceased was working as a driver with Haryana Roadways, Gurgaon Depot on contract basis at a monthly salary of Rs.27,099/-. The tribunal has deducted an amount of Rs.2790.00 that was paid to the deceased towards aforesaid allowances. No doubt, the deceased was not a permanent employee of the Haryana Roadways but benefit of future prospects is available even to a person engaged in self employment or fixed wages in the light of judgment of Hon'ble the Supreme Court ***Rajesh vs. Rajbir Singh 2013 (3) RCR (Civil) 170.*** In this view of the matter, I do not find any error much less illegality in the tribunal's allowing benefit of future prospects.

So far as the plea that the deceased met with an accident on 16.04.2015 and passed away on 09.07.2015, it has been proved on record that the deceased was shifted to Birendra Hospital, Rewari and remained admitted in hospital from 16.04.2015 to 04.07.2015 and eventually passed away on 09.07.2015. The very fact that the deceased remained hospitalized for a period of two and a half months is sufficient to show that he sustained serious injuries in the accident as one of his lower limbs got crushed under the offending vehicle. There is nothing on record suggestive of the fact that in between 04.07.2015 to 09.07.2015, the deceased suffered from any other ailment/medical condition to prove that there is no nexus between the injuries sustained and death. This apart, no such issue was raised by the

insurance company before the Tribunal.

No other point has been raised.

In view of what has been discussed hereinabove, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

06.10.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No