

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

FAO No.6529 of 2016(O&M)

Date of decision:4.11.2016

National Insurance Co. Ltd.

....Appellant

VERSUS

Balwant Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sumit Gupta, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal has been directed against the award dated 11.04.2016 passed by the Motor Accident Claims Tribunal, Tarn Taran (in short 'the Tribunal') whereby compensation has been awarded in favour of Balwant Singh and others in regard to death of Rajbir Singh in a motor vehicular accident that took place on 07.12.2014.

The sole submission made by counsel for the appellant is that the Tribunal has allowed benefit of increase in income for future prospects to the extent of 50% despite the matter being pending before a Larger Bench of Hon'ble the Supreme Court of India in view of reference made in **National Insurance Company Ltd. vs. Pushpa**, SLP (C) No.16735 of 2014, decided on 02.07.2014 and the observations in **Shashikala and others Vs. Gangalakshamma & another**, 2015 ACJ 1239.

I have heard counsel for the appellant, perused the paper-book particularly the award by the Tribunal.

Be that as it may, merely because reference with regard to grant of future prospects is pending before a Larger Bench of Hon'ble the Supreme Court of India is not sufficient to deny the said benefit till the judgment passed by the Apex Court **Rajesh and others Vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170**, is varied or set side.

No other point has been raised.

In view of the above, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been disposed of on merits, the application for condonation of delay is of academic relevance only.

NOVEMBER 4, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no