

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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FAO No.3893 of 2016 (O&M)

Decided on : 03.11.2017

National Insurance Company Ltd.

... Appellant

Versus

Lalita Devi and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present : Mr.S.S.Sidhu, Advocate
for the appellant.
Mr.Ashwani Arora, Advocate for respondents No.1 to 3.

Avneesh Jhingan, J. (Oral)

The present appeal has been filed by the Insurance Company challenging the award dated 1.4.2016 passed by the Motor Accidents Claims Tribunal, Chandigarh (for short 'the Tribunal').

2 Two issues have been raised in the present appeal. Firstly that on mere salary certificate and the deposition of the employer, the salary should not have been accepted at Rs.15000/- per month; and future prospects should have not been awarded.

3 Bare facts for adjudication of the present appeal are that on 12.9.2015, Ajay Sharma, aged 30 years lost his life in a motor vehicular accident.

4 A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') by the legal heirs of the deceased.

5 The Tribunal awarded a sum of Rs.31,85,000/- along with interest at the rate of 7.5% per annum.

6 The grievance of the appellant is that the deceased was in a

private employment and the Tribunal has only relied upon the evidence of PW-3 and has not considered the cross examination. He further contended that future prospects has not been awarded according to law.

7 Learned counsel for the respondents argues that it was duly established before the Tribunal from various exhibits that the earning of the deceased was Rs.15000/- per month. He further defends the awarding of the future prospects.

8 As far as the future prospects is concerned, there is a latest decision of the Hon'ble Apex Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors.** (Special Leave Petition (Civil) No. 25590 of 2014) decided on 31.10.2017.

9 Regarding assessing the monthly income, is a factual aspect which would be needing re-appreciation of the entire evidence and thereafter if need be, opportunity may have to be provided to the parties.

10 Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide afresh the above said two issue only.

11 The amount already paid to the claimants would be subject to the outcome of the decision of the remand case.

12 Parties are directed to appear before the Tribunal on 22.12.2017.

[Avneesh Jhingan]
Judge

03.11.2017

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No