

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

FAO No.5958 of 2016(O&M)

Date of decision: 4.8.2017

Charanjit Kaur and anotherAppellants

VERSUS

Navneet Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vivek Suri, Advocate for the appellants.

Mr. Rajbir Singh, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Patiala (in short 'the Tribunal') in regard to death of Kharak Singh in a motor vehicular accident that took place on 12.04.2015.

The sole submission made by counsel for the appellants is that the Tribunal has assessed income of the deceased at Rs.7,000/- per month, deducted 50% towards his personal expenses but did not allow benefit of increase in income for future prospects to the extent of 50% in the light of judgment of Hon'ble the Supreme Court **Rajesh and others Vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170** and **Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447.**

Counsel representing the Insurance Company has controverted claim of the appellants with the submission that as the matter

with regard to future prospects is pending before a Larger Bench of Hon'ble the Supreme Court in view of reference made in **National Insurance Company Ltd. vs. Pushpa, SLP (C) No.16735 of 2014, decided on 02.07.2014,** claimants are not entitled to the said benefit.

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

Be that as it may, the Tribunal has not extended benefit of future prospects to the extent of 50% in the light of aforesaid judgments. The mere fact that a reference is pending before a Larger Bench is not sufficient to deny the said benefit till the judgment in **Rajesh and others case** (supra) is varied or set aside. After extending benefit of increase in income qua future prospects to the extent of 50%, loss of dependency comes to Rs.11,34,000/- (Rs.5250 x 12 x 18).

The compensation of Rs.1,00,000/- towards loss of love and affection and Rs.25,000/- towards funeral expenses awarded by the Tribunal is ordered to be affirmed.

In view of the above, total compensation comes to Rs.12,59,000/- and the enhanced compensation is Rs.3,78,000/- (Rs.12,59,000/- - Rs.8,81,000/-). The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable exclusively to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

AUGUST 4, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no