

FAO No. 4074 of 2017(O&M)
Date of Decision:16.8.2017

National Insurance Company Limited

---Appellant

versus

Salma Khatoon and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sukhdarshan Singh, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against award dated 1.3.2017 passed by the Motor Accidents Claims Tribunal, Rewari (in short “the Tribunal”) whereby compensation has been awarded in regard to death of Manovar Ali in a motor vehicular accident that took place on 30.4.2016.

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% by assessing notional income of the deceased at Rs. 8000/- per month but the matter with regard to grant of future prospects is pending consideration before a Larger Bench of Hon'ble the Supreme Court of India in view of reference made in *National Insurance Co. Limited vs. Pushpa*. In addition, it is argued that though the Tribunal has allowed release of amount representing future prospects against adequate security, that part of the award is liable to be stayed subject to outcome of the reference pending before the Apex Court.

I have heard counsel for the parties, perused the paper book particularly the award impugned.

The mere fact that a reference is pending before Hon'ble the Supreme Court of India is not sufficient to deny the benefit of increase in income for future prospects till the judgment in *Rajesh and others vs. Rajbir Singh and others 2013(3) RCR(Civil) 170* is varied or set aside. This apart, the deceased left behind a family consisting of his widow and two children aged three and one year, respectively. There is nothing on record suggestive of the fact that the deceased was suffering from any disability rendering him unable to put his best efforts to earn livelihood for himself and his family. The deceased would not have stagnated at a notional income of Rs. 8000/- per month, had he remained alive when examined in the light of revision of minimum wages by the government from time to time.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

16.8.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No