

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

FAO No.4598 of 2017

Date of decision:5.7.2017

Reliance General Insurance Company Ltd.

...Appellant

Versus

Salma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Suman Jain, Advocate for the appellant.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant first appeal, at the hands of insurance company, is directed against the impugned award dated 19.4.2017 passed by the learned Motor Accidents Claims Tribunal, Sonipat ('the Tribunal' for short), whereby claim petition of the claimants-respondents was allowed.

Heard learned counsel for the appellant.

Facts are not in dispute.

Monthly income of the deceased, as assessed by the learned Tribunal, has gone undisputed before this Court. The only argument raised by the learned counsel for the appellant was that future prospects @50% ought not have been allowed by the learned Tribunal, as the matter is pending consideration before the Hon'ble Supreme Court in **National Insurance Co. Ltd. Vs. Pushpa and others, 2015 (9) SCC 166.**

Learned counsel for the appellant has fairly conceded that minus the reference in **Pushpa Devi's** case (supra) pending before the Hon'ble Supreme Court, the law laid down by the Hon'ble Supreme Court so far goes against the appellant-insurance company. Once that is the undisputed fact situation, no fault can be found with the impugned award

passed by the learned Tribunal. It is so said because the award is based on the law laid down by the Hon'ble Supreme Court in **Sarla Verma & others Vs. Delhi Transport Corporation & others, 2009 (3) RCR (Civil) 77**, which has been reiterated by the Hon'ble Supreme Court and repeatedly followed by this Court.

The learned Tribunal has also placed reliance on the judgments of the Hon'ble Supreme Court in **Raju & others Vs. Sukhvinder Singh and others, 2006(4) RCR (Civil) 82**, **Rajesh Vs. Rajvir etc. 2013 ACJ 1403** and finally on the celebrated judgment of the Hon'ble Supreme Court in **Sarla Verma's** case (supra). In this view of the matter, this Court is of the considered view that the learned Tribunal was well within its jurisdiction to pass the impugned award and the same deserves to be upheld.

As noticed hereinabove, once the monthly income of the deceased has gone undisputed, 50% thereof towards future prospects cannot be denied to the claimants. Facts of the case are in hand are hardly in dispute. The impugned award has been found based on cogent findings recorded by the learned Tribunal.

Another argument raised by the learned counsel for the appellant was that the witness, who deposed in favour of the claimants before the learned Tribunal, has resiled from his statement in the criminal trial. Since the standard of proof in a criminal matter and claim petition before the learned Tribunal is not on the same footing, the argument raised by the learned counsel for the appellant has been duly considered but found wholly misplaced.

During the course of hearing, learned counsel for the appellant could not point out any patent illegality or perversity in the impugned

award passed by the learned Tribunal, which may warrant interference, at the hands of this Court, while exercising its appellate jurisdiction. In fact, the impugned award has been found based on true facts of the case and is also in consonance with the law laid down by the Hon'ble Supreme Court because of which the same deserves to be upheld

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant appeal is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the present appeal stands dismissed, however, with no order as to costs.

5.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No