

In the High Court of Punjab and Haryana at Chandigarh

Paramjit Kaur Saini
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FAO-4610 of 2017(O&M)

Date of Decision:4.8.2017

United India Insurance Company Limited

---Appellant

vs.

Smt. Sukhwinder Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ram Avtar, Advocate
for the appellant

Rekha Mittal, J.

The present appeal directs challenge against award dated 16.2.2017 passed by the Motor Accidents Claims Tribunal, Karnal (in short “the Tribunal”) whereby compensation has been awarded in regard to death of Jaskaran Singh in a motor vehicular accident that took place on 14.2.2015.

The Tribunal has awarded an amount of Rs. 46,29,000/- payable with interest.

Counsel for the appellant has challenged quantum of compensation primarily on two counts. The first submission made by counsel is that the Tribunal has allowed benefit of increase in income for future prospects to the extent of 50% but the same should not be allowed as the matter is pending consideration before a Larger Bench of Hon'ble the Supreme Court of India in view of reference made in **National Insurance Company Limited vs. Pushpa and others** (Special Leave to Appeal (Civil) 8058 of 2014).

Another submission made by counsel is that the Tribunal has wrongly applied a multiplier of 18 in view of age of the deceased in place of an appropriate multiplier as per age of parents of the deceased.

The mere fact that a reference is pending before a Larger Bench of Hon'ble the Supreme Court of India qua future prospects is not sufficient to deny the said benefit till the judgment in *Rajesh and others vs. Rajbir Singh and others 2013(3) RCR(Civil) 170* is varied or set aside. This apart, deceased would not have stagnated at the income assessed by the Tribunal, had he remained alive as he was a young energetic person aged less than 25 years.

So far as plea with regard to multiplier, in view of enunciation laid down in *Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298* and *Munna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR(Civil) 447*, multiplier adopted by the Tribunal on the basis of age of the deceased cannot be faulted with.

Counsel for the appellant has made a vain attempt to assail findings of the Tribunal qua issue on rash and negligent driving and validity of driving licence of driver of the offending vehicle. I have gone through the award passed by the Tribunal on these two aspects but find no error warranting intervention.

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

(Rekha Mittal)
Judge

4.8.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No