

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

FAO No.4826 of 2017 (O&M)

Date of decision: 07.09.2017

Oriental Insurance Co. Ltd.

...Appellant

Versus

Smt. Sushma and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Lalit Garg, Advocate
for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 18.03.2017 passed by the Motor Accidents Claims Tribunal, Sonipat (in short 'the Tribunal') whereby compensation has been awarded with regard to death of Subhash in a motor vehicular accident that took place on 10.04.2016.

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% in the light of judgment of Hon'ble the Supreme Court of India **Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54**, but matter with regard to grant of future prospects is pending consideration before a Larger Bench of Hon'ble the Supreme Court in view of reference made in **National Insurance Company Ltd. Vs. Pushpa**.

I have heard counsel for the appellant, perused the paper book

particularly the award impugned.

The deceased was 36 years old and left behind a family consisting of his widow, two minor children and widowed mother aged 80 years. The Tribunal has assessed his income at Rs.6,000/- per month. The deceased would not have stagnated at income of Rs.6,000/- per month had he remained alive particularly in the circumstances that he has left behind his widow, two minor children and mother who were dependent on his income for their livelihood. The mere fact that a reference is pending before Hon'ble the Supreme Court is not sufficient to deny the benefit of addition in income for future prospects till the judgment in Rajesh's case (supra) is varied or set aside. Under the circumstances, contention raised by counsel for the appellant is not meritorious thus cannot be accepted.

Counsel for the appellant has submitted that he does not press the appeal on any other ground.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. However, any observation made by this Court will not cause prejudice to right of the claimants if they file an appeal for enhancement.

07.09.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No