

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

-.-

FAO No. 5249 of 2017

Date of decision: 04.08.2017

The New India Assurance Company Limited

..... Appellant

Versus

Seema Devi and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Suvir Dewan, Advocate
for the appellant

-.-

Rekha Mittal, J.

The insurance company has assailed award dated 27.04.2017 passed by the Motor Accidents Claims Tribunal, Rupnagar whereby compensation has been awarded in regard to death of Kashmir Chand in a motor vehicular accident that took place on 23.07.2014.

The sole submission made by counsel for the appellant is that the deceased was not a permanent employee, therefore, the Tribunal has wrongly extended benefit of increase in income for future prospects to the extent of 50%. In addition, it is argued that the matter with regard to future prospects is pending before a larger Bench of Hon'ble Supreme Court of India in view of reference made in *National Insurance Company Limited v. Pushpa* (SLP (c) No. 16735 of 2014, decided on 02.07.2014) and observations made by the Apex Court in *Shashikala and others v. Gangalakshamma and another*, 2015 ACJ 1239.

I have heard counsel for the appellant and perused the paper

book particularly the award impugned but find that the appeal is not meritorious and deserves to be dismissed.

The mere fact that a reference is pending before a Larger Bench of Hon'ble Supreme Court of India is not sufficient to deny benefit of future prospects till judgment of Hon'ble the Supreme Court of India ***Rajesh and others v. Rajbir Singh and others, 2013 (3) R.C.R. (Civil) 170*** is varied or set aside. This apart, had the deceased remained alive, he would not have stagnated at the income which he was earning at the time of his death particularly under the circumstances that he has left behind his widow and a minor daughter aged 1 ½ years.

No other point has been raised.

Dismissed.

(Rekha Mittal)
Judge

04.08.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No