

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5459 of 2017 (O&M)
Date of decision: 21.08.2017

The New India Assurance Co. Ltd.

... Appellant

Vs.

Priyanka and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Suvir Dewan, Advocate
for the appellant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the impugned award dated 10.04.2017 passed by the learned Motor Accident Claims Tribunal (for short 'Tribunal'), whereby claim petition filed by the claimants-respondents No.1 to 4 was partly allowed, Insurance Company has approached this Court by way of present appeal, only regarding quantum.

Heard learned counsel for the appellant.

The only argument raised on behalf of the appellant was that the benefit of future prospects was wrongly granted to the claimants by the learned Tribunal, by passing the impugned award. It is not in dispute that the benefit of future prospects was granted by the learned Tribunal to the claimants, after following the law laid down by the Hon'ble Supreme Court in **Rajesh and others Vs. Rajbir Singh and others, 2013 ACJ 1403 (SC)**.

Learned counsel for the appellant submits that the judgment in **Rajesh's** case

(supra) has been referred to the Larger Bench of the Hon'ble Supreme Court and the matter is pending consideration before the Hon'ble Larger Bench. Till the matter is reconsidered by the Larger Bench of the Hon'ble Supreme Court, the law laid down by the Hon'ble Supreme Court in **Rajesh's** case (supra) is binding on all concerned, including the parties in the instant appeal as well as this Court. Having said that, this Court feels no hesitation to conclude that the learned Tribunal was well within its jurisdiction to pass the impugned award and the same deserves to be upheld.

A bare perusal of the impugned award passed by the learned Tribunal would show that each and every relevant aspect of the matter was duly considered and rightly appreciated by the learned Tribunal, in correct perspective, before passing the impugned award, granting a reasonable amount of compensation to the claimants-respondents No.1 to 4. Further, the learned Tribunal rightly followed the law laid down by the Hon'ble Supreme Court in the case of **Smt. Sarla Verma Vs. Delhi Transport Corporation and another, 2009 (3) PLR 22** as well as in **Rajesh's** case (supra). In this view of the matter, no fault can be found with the cogent findings recorded by the learned Tribunal, while passing the impugned award and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the appellant could not point out that the impugned award was suffering from any patent illegality or perversity, which may warrant interference at the hands of this Court, while exercising its appellate jurisdiction. In fact, the impugned award passed by the learned Tribunal has been found based on sound reasons, which deserves to be upheld, for this reason as well.

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 since no illegality has been found in the impugned award passed by the learned Tribunal, the same deserves to be upheld. Present appeal is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant appeal stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

21.08.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No