

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

FAO No. 5467 of 2017(O&M)

Date of decision: 22.8.2017

IFFCO TOKIO General Insurance Co. Ltd.Appellant

VERSUS

Madhu Bala and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ajay Singla, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against award dated 24.03.2017 passed by the Motor Accidents Claims Tribunal, Narnaul whereby compensation has been awarded in regard to death of Pawan Kumar in a motor vehicular accident that took place in the intervening night of 31.08.2015/01.09.2015.

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% 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, SLP (C) No.16735 of 2014, decided on 02.07.2014.** Further reference has been made to judgment of Hon'ble the Supreme Court **Chikkamma Vs. Parvathamma, Civil Appeal No.3409 of 2017 arising**

out of SLP(C) No.5587 of 2016 whereby benefit of future prospects has not been allowed.

I have heard counsel for the appellant, perused the paper-book particularly the award.

The Tribunal has held that the deceased was 36 years old at the time of occurrence and there is no challenge to findings of the Tribunal in this regard. He left behind a family consisting of his widow, two minor children aged 12 and 9 years and his parents, held to be dependent on his earning. The Tribunal has assessed income of the deceased at Rs.6,000/- per month by taking into consideration wage of a labourer. There is nothing on record suggestive of the fact that the deceased was suffering from any disability to put his best for earning adequate livelihood for his family and himself. It is difficult to accept that the deceased would have stagnated at income of Rs.6,000/- per month, had he remained alive. I stand fortified in my observations from the fact that the Governments revise minimum wages on regular intervals i.e. quarterly or half yearly. Under the circumstances, mere fact that a reference is pending before a Larger Bench of Hon'ble the Supreme Court or the Apex Court did not allow benefit of future prospects in **Chikkamma's case** (supra) is not sufficient to deny benefit of future prospects till the judgment in **Rajesh and others Vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170** is varied or set aside. In this view of the matter, contention of the appellant is not meritorious, thus, untenable.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, the application for condonation of delay of 31 days in filing the appeal is of academic relevance only.

AUGUST 22, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no