

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

FAO No. 6000 of 2017(O&M)

Date of decision: 14.9.2017

Iffco Tokio General Insurance Co. Ltd.Appellant

VERSUS

Rani and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Yogesh Gupta, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against award dated 19.01.2017 passed by the Motor Accidents Claims Tribunal, S.A.S. Nagar (Mohali) (in short 'the Tribunal') whereby compensation has been awarded in regard to death of Shiva in a motor vehicular accident that took place on 18.12.2014.

Counsel for the appellant, at the outset, would inform that the appeal has been preferred to challenge quantum of compensation primarily on two counts namely allowing benefit of increase in income for future prospects and applying a multiplier of 18 as per age of the deceased. To bring home his contention, it is argued that the 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.** In addition, it is argued that Hon'ble the Supreme Court has rejected claim for future prospects in **Chikkamma Vs. Parvathamma, Civil Appeal No.3409 of 2017 arising out of SLP(C) No.5587 of 2016 decided on 28.02.2017.**

I have heard counsel for the appellant, perused the paper-book particularly the application for condonation of delay of 96 days and the award passed by the Tribunal.

Apart from the fact that the appellant has failed to make out a good case constituting sufficient ground for condoning huge delay of 96 days in filing the appeal, contentions raised by counsel for the appellant are not meritorious and liable to be rejected. The deceased was a young boy aged 19 years. The application for compensation was filed by his parents and brother. There is nothing on record suggestive of the fact that the deceased was suffering from any disability to impair his capacity to work and earn livelihood for himself and his family. It is difficult to accept that the deceased would have stagnated at income assessed by the Tribunal, had he remained alive. I stand fortified in my observations from the fact that State Governments revise minimum wages at short intervals i.e. quarterly or biannually. Under the circumstances, the mere fact that a reference is pending before a Larger Bench of Hon'ble the Supreme Court is not sufficient to deny benefit of future prospects till the judgment **Rajesh and others Vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170** is varied or set aside. In **Chikkamma's case** (supra), Hon'ble the Supreme Court has not laid down as a ratio to deny future prospects.

The Tribunal has adopted multiplier of 18 to compute loss of dependency. No fault can be found in findings of the Tribunal allowing multiplier of 18 in the light of judgments of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77** and **Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447.**

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. However, nothing stated hereinbefore shall cause prejudice to the claimants in case they file an appeal for enhancement of compensation.

SEPTEMBER 14, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

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