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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAC.APP. 568/2017 & CM Nos. 23833-35/2017

ALKA DEVI & ORS

..... Appellants

Through: Mr. M.K. Sinha, Adv.

versus

NIRNJAN LAL & ORS (M/S ROYAL SUNDARAM ALLIANCE
INS CO LTD)

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.07.2017

The impugned judgment of the tribunal passed on 01.12.2016 in accident claim case (MACP No. 582/2008) arises out of a petition which invoked structured formula under Section 163A of the Motor Vehicles Act, 1988.

The prime grievance of the appellants is that the element of future prospects of increase in the income was not factored in. On being asked, the counsel for the appellants concedes that the deceased, 22 year old, was not in regular service. It is the claim of the appellants that he was working for gain. It is fairly conceded by the counsel on their behalf that no formal proof of income muchless as to the progressive rise in income was furnished.

In these circumstances, there is no occasion for any element of future prospects to be factored in. Pecuniary damages awarded by the tribunal are

in accord with the statutory provisions relating to Section 163 A of Motor Vehicles Act.

Thus, the appeal is devoid of substance and dismissed in *limine*.

R.K.GAUBA, J

JULY 11, 2017

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