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

Decided on: 15th September, 2017

+ **MAC.APP. 907/2015 and CM 28416/2015**

UNITED INDIA INSURANCE CO LTD Appellant
Through: Mr. Pankaj Seth, Advocate

Versus

DHARAMWATI & ORS Respondents
Through: Mr. S.N. Parashar, Adv. for R-1 to
4
Mr. Anendra Kumar Saraswat, Adv. for R-5
& 6

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The insurer by this appeal questions the award passed by the Motor Accident Claims Tribunal (Tribunal), by the impugned judgment dated 05.08.2015, in accident claim case (suit no.17/15), in favour of the first to fourth respondents (collectively, the claimants), only on the ground that the deceased Pradeep Kumar was in private employment and, therefore, there was no occasion for the element of future prospects of increase in income to be added.
2. This plea, upon perusal of the evidence adduced by the claimants, is found to be devoid of substance. It was proved during the inquiry, *inter alia*, by examining the witness from the employer company (M/s. Trans Continental Freight Service (India) Pvt. Ltd.)

that the deceased was engaged as a Senior Executive Airport, the salary record showing progressive rise in income. Having regard to the fact that the employment was regular and it was inherent in the terms of the engagement that wages would rise progressively, the element of future prospects cannot be grudged.

3. The appeal is thus dismissed. The pending application also stands dismissed.

4. By order dated 27.11.2015, the insurance company had been directed to deposit the entire awarded amount with interest, out of which 50% (fifty percent) was allowed to be released to the claimants. The balance shall also now be released to the claimants.

5. The statutory amount shall be refunded.

SEPTEMBER 15, 2017

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R.K.GAUBA, J.

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