

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1462 OF 2016

United India Insurance Co. Ltd., Mumbai	 Appellant
V/s.	
Sunder Kundan Harijan and Anr.	 Respondents

Mr. Rahul Mehta, I/by M/s. KMC Legal Venture, for the Appellant-Insurance Company.

None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 17TH OCTOBER, 2018.

P.C. :

1. Heard Mr. Mehta, learned counsel for the Appellant-Insurance Company.

2. This Appeal is directed against the 'Judgment and Award' dated 12th February 2016, passed by the Motor Accident Claims Tribunal, Mumbai in Application No.1145 of 2008. The Appellant is the Insurance Company and the main grievance raised in the Appeal is that of granting the Award of future prospects @ 50% of the income of the 'Deceased'.

3. Now in view of the Judgment of the Hon'ble Apex Court in the case

of *National Insurance Company Limited Vs. Pranay Sethi and Others*, 2017 ACJ 2700, this issue having been settled and considering the age of the 'Deceased' as 26 years and he was working as a Sales-Man, the future prospects awarded by the Trial Court @ 50% of his income, cannot be called as illegal and, therefore, no interference is warranted in the impugned 'Judgment and Award'.

4. Appeal, therefore, being without merits, stands dismissed.

5. The amount of Rs.25,000/-, which is deposited by the Appellant-Insurance Company in this Court as a statutory deposit, be transferred to the concerned Tribunal and the Appellant-Insurance Company is permitted to withdraw the same.

[DR. SHALINI PHANSALKAR-JOSHI, J.]