

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

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FAO No.3813 of 2005 (O&M)

Date of Decision : 07.09.2018

Smt. Davinder Kaur and another

..... Appellants

Versus

S.Jagdeep Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Satish Jaswal, Advocate for
Mr. K.S.Rekhi, Advocate
for the appellants.

Mr. G.D.Gupta, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 02.02.2001 passed under Motor Accident Claims Tribunal, Amritsar awarding compensation of Rs. 1,59,500/- alongwith interest at the rate of 12% per annum on account of death of Gurpreet Singh in an accident which took place on 09.12.1997.

Brief facts of the case are that on 09.12.1997 at 7.30 AM deceased was going to his school situated at Village Rayya, District Amritsar from his residence at Village Cheema Bath on a cycle rickshaw pulled by Gurmail Singh also deceased of Village Cheema Bath. When the rickshaw reached the G.T. Road an over-loaded truck bearing No.PB-08-S-

9766 came from the side of Beas. It was being driven by Dilbagh Singh @ Bagga-respondent No.2 negligently, rashly at a high speed. The truck struck against the said rickshaw and turned turtle and crushed the child.

Learned counsel for the appellants has argued that in *Paramjit Singh and another vs. Dilbagh Singh alias Bagga and others 201 (4) RCR (Civil) 895*, a Division Bench of this Court has held that where the income is taken on notional basis no deduction can be made (for the simple reason that the income is notional). Once that is so, the same would apply to future prospects also and therefore it has to be held in view of the judgment *Paramjit Singh (supra)* that there can neither be addition of future prospects in a case of notional income nor can there be deduction.

Counsel for respondent No.3 is not in a position to deny this.

In the circumstances, I set aside the deduction part. The enhanced amount would carry interest @ 7.5% from the date of filing of the claim petition till the date of payment.

The appeal stands disposed of with the aforesaid modification.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

07.09.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No