

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-4368-2012 (O&M)
Date of Decision : 14.8.2018

United India Insurance Company Limited

....Appellant

vs.

Simar Kaur and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.V. Ramaswaroop, Advocate
for the appellant.

Mr. B.S.Baath, Advocate
for respondents No. 1 to 5.

AJAY TEWARI, J. (Oral)

CM-24636-CII-2015

This is an application for bringing on record the legal representatives of the deceased-respondent No.5-who is stated to have passed away on 19.7.2013.

For the reasons recorded in the application, the same is allowed and the persons mentioned in the paragraph No. 2 of the application are impleaded as legal representatives of the deceased-respondent No.2, subject to all just exceptions. Amended Memo of Parties is taken on record.

Main Case

This appeal has been filed by the insurance company against the award of the Motor Accident Claims Tribunal, Gurdaspur whereby a sum of Rs. 36,98,000/- was awarded to the claimants for the death of

Sukhdev Singh.

Since a very limited point has been urged detailed reference to the facts is not required.

Learned counsel for the appellant-insurance company has argued that the deceased was 53 years old government employee having a monthly income of Rs. 36,000/- but on this income the Tribunal was obligated to first deduct the income tax. Counsel for the claimants however points out even though this is correct yet in view of the decision of the Constitution Bench judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* the claimants would have been entitled to future prospect which has been denied in the present case and further nothing has been awarded under the conventional heads.

In the circumstances, I am of the considered opinion that whatever excess amount has been awarded on account of non deduction of income tax would be made up by the non award of future prospect and compensation under conventional heads.

Resultantly, the appeal is dismissed.

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

14.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No