

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

F.A.O No. 1811 of 2018

Date of decision:- 16.04.2018

ICICI Lombard Insurance Co. Ltd.

...Appellant

Versus

Laxit and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjeev Goyal, Advocate
for the appellant

RITU BAHRI J. (Oral)

The present appeal has been preferred by the Insurance Company-appellant, seeking modification of the award passed by the learned Motor Accident Claims Tribunal, Gurugram (for short, 'the Tribunal') to the tune of Rs.17,56,250/-, vide impugned award dated 30.01.2018 in a claim petition filed under Section 166 of the Motor Vehicles Act (for short 'the Act').

Learned counsel for the appellant is seeking modification of the award on two grounds firstly that the compensation has been awarded on the higher side, as 50% future prospect have been awarded and secondly, the income of Rs. 9000/- is taken on the higher side.

As regard to the first argument, the learned Tribunal has awarded the compensation rightly, as even as per recent judgment of Hon'ble the Supreme Court of India in a case of ***National Insurance Company Ltd vs. Pranay Sethi and others, passed in Spl Leave Petition (Civil) No. 25590 of 2014, decided on October 31, 2017***, 40% future

prospects has to be awarded.

With regard to second argument, reference at this stage can be made to a judgment of this Court in a case of ***United India Insurance Co. Ltd vs. Sube Singh and others, passed in FAO No. 218-2014, decided on 15.01.2014*** wherein this Court while dismissing the appeal filed by the Insurance Company against the award of the Tribunal wherein the Tribunal took the income of a house wife at Rs.9000/- per month, held that to tag a house wife as skilled labour alone does not do complete justice to her multifarious role as home manager. House wife is something more than mere skilled worker and it would not be reasonable to estimate contribution of deceased at high figure. The SLP filed against the said judgment has also been dismissed.

The accident in that case was of the year 2012 and the income taken was Rs.9000/- per month and in the present case, the accident is of the year 2016 and thus, the income can be taken at Rs.12000/- per month and further in the present case, the Tribunal imposed a cut of 1/3rd. However, as per the above said judgment, no cut was to be imposed.

In view of the above factual position, the award dated 30.01.2018 does not require any interference by this Court.

The appeal is dismissed, being devoid of any merits.

16.04.2018

G Arora

***Whether speaking/reasoned
Whether reportable***

***Yes
No***

**(RITU BAHRI)
JUDGE**