

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

FAO-2513-2018 (O&M)
Date of Decision:-8.5.2018

National Insurance Company Limited ... Appellant

Versus

Smt. Anoop Devi and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S. Sidhu, Advocate for the appellant.

GURVINDER SINGH GILL, J.

The appellant-insurance company assails award dated 7.3.2018, wherein on account of death of Devender aged 28 years, his mother Anoop Devi has been awarded compensation to the tune of ₹ 11,72,400/-.

The learned counsel for the appellant while assailing the impugned award has submitted that the learned Tribunal erred in holding the income of the deceased as ₹ 8,000/-. The learned counsel has also submitted that since there was no concrete evidence regarding vocation of the deceased and there was simple bald allegation that he was running a mobile shop and was also into agriculture, therefore, his income ought to have been assessed as per the minimum wages prescribed by the State, which for an unskilled labourer is ₹ 5,000/- approximately.

I have considered the aforesaid submissions. A perusal of the impugned award reflects that the deceased Devender was a matriculate and his matriculation certificate Ex.17 is on record, which would indicate that he was somewhat educated. In these circumstances, it will not be fair to assess

his income by holding him as a labourer and to assess his income at the rate of minimum wages prescribed by the State.

The learned counsel further assails the impugned award on the ground that the Tribunal had erred in awarding future prospects @ 40%, as such future prospects @ 40% can be awarded only in case, where there is established income. The deceased was not working in some institution or in any government organisation and as such it would be very difficult to have an exact figure of his established income. The income assessed in the present case @ ₹ 8,000/-per month is on the lower side. As such, I do not find any infirmity in awarding future prospects @ 40%. There is no infirmity in the impugned judgment and the same is upheld. Finding no merit in the present appeal, the same is hereby dismissed.

8.5.2018

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No