

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

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FAO No.2840 of 2018 (O&M)

Date of decision: 16.07.2018

BUTA SINGH AND ANOTHER

... Appellants

Versus

SUKHWINDER KAUR AND ANOTHER

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amandeep S. Manaise, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 29.11.2017 passed by the Motor Accidents Claims Tribunal, Gurdaspur whereby compensation has been assessed on account of death of Sarabjot Singh son of Sukhdev Singh in a motor vehicular accident that took place on 15.05.2016.

The sole submission made by counsel for the appellants is that as the deceased was a student at the time of death, the Tribunal has wrongly allowed benefit of addition in income for future prospects and that too @50% as against 40% available in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.**

So far as plea of the appellants that the claimants are not entitled to benefit of future prospects, the same is not meritorious and liable to be rejected. In this context reference can be made to judgment of this

Court **National Insurance Co. Ltd. Vs. Pushpa Singh Chauhan and others, FAO No.1502 of 2015, decided on 20.03.2015** that came to be affirmed by Hon'ble the Supreme Court in Special Leave Petition (C) S. No.19533 of 2015. Counsel for the appellants is correct in his argument that addition in income for future prospects can at best be to the extent of 40% as against 50% allowed by the Tribunal. However, income of the deceased assessed by the Tribunal is on lower side. If the compensation is assessed by determining income of the deceased correctly and future prospects are reduced to 40%, compensation would be more than what has been allowed by the Tribunal. In the given scenario, I do find any merit in contention of the appellants that compensation assessed by the Tribunal is liable to be reduced.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. It is clarified that dismissal of the appeal of owner and driver of the offending vehicle would not cause prejudice to right of claimants to seek enhancement of compensation, in accordance with law. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

16.07.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No