IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

262 **FAO-6008-2017 (O&M)**
Date of Decision : 30.7.2018

Naveen Devi and others **....Appellants**

vs.

Aman Budhiraja and another **....Respondents**

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Ekta Thakur, Advocate
for the appellants.

Mr. Sukhdeep Singh, Advocate
for respondent No.1.

Mr. Amit Goyal, Advocate
for respondent No.2-insurance company.

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AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 2.8.2017 passed under Motor Accident Claims Tribunal, Chandigharh awarding compensation of Rs. 63,06,790/- alongwith interest at the rate of 7.5% per annum on account of death of Bhup Singh in an accident.

Since limited points have been urged detailed reference to the facts is not required.

The first argument raised by the learned counsel for the appellants is that the Tribunal withheld certain amount on account of future prospects because that issue was pending at that time and it has now been decided in the judgment of the Supreme Court in the matter of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4)***

RCR (Civil)1009, that future prospects should be payable in such cases.

Counsel for the respondent No.2 has very fairly accepted this fact.

The second argument raised by the learned counsel for the appellants is that in the judgment of the Supreme Court in the matter of ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*** it has been held that income tax should be deducted from current income, then future prospects be awarded but in the present case the Tribunal first add future prospects and then deducted income tax.

Counsel for the insurance company has accepted that the method adopted by the Tribunal is wrong.

Consequently, it is directed that first income tax be deducted from the current income and then 30% future prospects be added thereto.

No other argument has been raised by the counsel for the appellants.

On the other hand counsel for the insurance company points out that an amount of Rs. 2,25,000/- has been awarded which is against the maximum limit of Rs. 70,000/- which has been prescribed in the judgment relied upon by counsel for the appellants herself in Pranay Sethi's case (supra). Therefore, Rs.1,55,000/- has to be reduced. Ordered accordingly. The apportionment, interest and management would be same as ordered by the Tribunal.

The appeal stands disposed of with the above said modifications.

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

(AJAY TEWARI)
JUDGE

30.7.2018
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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No