

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-5473-2018 (O & M)
Date of Decision:15.10.2018

Cholamandlam MS General Insurance Company Limited
...Appellant

Versus

Binja Ram and others
...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Punit Jain, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

Insurance Company is in the appeal against the award passed by the learned Motor Accident Claims Tribunal in the case of Anil, a young boy of 16 years, who has suffered 90% permanent disability.

Learned counsel for the appellant while relying upon a judgment passed by the Hon'ble Supreme Court in the case of **“Master Mallikarjun vs. Divisional Manager, The National Insurance Company Limited and another”** has submitted that in the case of 90% disability, the Court could not have taken loss of income beyond Rs.6.00 lacs.

It may be noted that the Hon'ble Supreme Court was dealing with a case of 12 years old boy with respect to a case in which an accident, took place on 05.06.2006. In the present case, accident took place on 27.12.2016. There is a difference of more than 10 years and with the passage of time and inflation, the income of the young boy, who was

studying in 9th class cannot be treated to be static. Here is a case where a young boy has a whole life ahead and has suffered 90% disability.

In such circumstances, the award passed by the Tribunal does not require any interference.

Appeal is dismissed.

The amount deposited in this Court may be remitted to the concerned Tribunal.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

15.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No