

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

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**FAO-5754-2018 (O&M)
Date of Decision : 20.11.2018**

New India Assurance Co. Ltd.

....Appellant

vs.

Buta Singh and others

....Respondents

CORAM : HON'BLE MR.`` JUSTICE AJAY TEWARI

Present: Mr. R.C.Kapoor, Advocate
for the appellant.

Mr. J.P.Sharma, Advocate
for respondent No.1.

AJAY TEWARI, J. (Oral)

CM-19718-CII-2018

For the reasons recorded, the application is allowed. Delay of 9 days in filing the appeal is condoned.

Main Case

This appeal has been filed against the award dated 7.5.2018 passed by Motor Accident Claims Tribunal, Karnal awarding compensation of Rs. 3,50,000/- alongwith interest at the rate of 7% per annum on account of injuries sustained by the respondent No.1 in an accident.

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

Counsel for the appellant has urged that the Tribunal erred in taking income as per DC rate whereas it should be as per the provisions of

the Minimum Wages Act. Counsel for the respondent no.1 is not in a position to deny this. In the circumstances, earning of the claimant-respondent No.1 is taken to be Rs.9000/- instead of Rs.12,100/-.

Counsel for the respondent No.1 has argued that in view of the Constitution Bench judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* 40% future prospects has to be granted. Counsel for the appellant is not in a position to deny this fact. Consequently, I award 40% future prospects on the minimum wages which is taken as Rs.9000/-.

Counsel for the respondent No.1 has further pointed out that in the judgment of “*Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others*” in *Civil Appeal No. 9581 of 2018* decided on 18.9.2018, the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the enhanced amount from the date of filing of the claim petition till the date of payment.

The appeal stands disposed of with the abovesaid modifications.

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

20.11.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No