128 **RA-CR-159-CII-2018 IN**
FAO No.6001 of 2015

Kelo and others versus Ajay Sharma & Others

Present:- Mr. Sanjeev Goyal, Advocate for
Respondent No.3 – Insurance Company.

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Respondent No.3 – Insurance Company has filed this application seeking review of judgment dated 18.5.2018 passed by this Court whereby while accepting an appeal filed on behalf of the complainant, the compensation as awarded by Motor Accident Claims Tribunal, Panipat has been enhanced from ₹ 8,58,118/- to ₹ 11,26,066/-.

The applicant is aggrieved by the impugned judgment mainly on account of the fact that while assessing the income of the deceased, the '*future prospects'* to the extent of 25% had been added. The learned counsel for the applicant has submitted that since the deceased was aged 50 years, therefore, in terms of ratio of *National Insurance Company Ltd. Vs. Pranay Sethi, 2017 (4) RCR Civil 1009*, the '*future prospects'* could have been added only to the extent of 10% as laid down in the said judgment and not 25%.

I have considered the aforesaid submission and have also perused the judgment in <u>*Pranay Sethi's case (supra)*</u>. The relevant extract from the concluding paragraph reads as follows :-

"61. (i) xxxx xxxx xxxx
(ii) xxxx xxxx xxxx
(iii) xxxx xxxx xxxx
(iv) In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the

> deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component."

A perusal of the aforesaid extract shows that while in a case where deceased was aged 40-50 years, an addition of 25% should be made towards future prospects and in case the deceased was aged 50-60 years, the future prospects are to be added to the extent of 10%. Here is a case where the deceased was aged 50 years. Since, there is some overlapping in the classification i.e. 40-50 years and 50-60 years and the deceased, aged 50 years, can be said to be falling in either of the brackets, therefore, it cannot be said that there is any gross illegality or error in computation of income by adding 25% towards *future prospects.* In any case, the legislation being a beneficial legislation designed to serve a social purpose, the interpretation beneficial to the claimant should be made to achieve the objects of legislation. Since the deceased, aged 50 years, can well be said to be falling within the bracket of 40-50 years, therefore, there is no patent error in adding 25% towards "future prospects", while computing his income.

No other point has been raised or urged before this Court. I do not find any merit in the application so as to justify review of order dated 18.5.2018.

The review application, being devoid of merits, is dismissed.

13.8.2018 **(Gurvinder Singh Gill)**
kamal **Judge**