IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228 **FAO-2639-2017(O&M)**
Date of Decision : July 10, 2019

1. RELIANCE GENERAL INSURANCE COMPANY LTD
.....Appellant

VERSUS

ROHIT UMMAT AND OTHERS
.....Respondents

AND

FAO-3490-2017

2. ROHIT UMMAT
.....Appellant

VERSUS

GURMEET SINGH AND OTHERS
.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Paras Money Goyal, Advocate
for the appellant (in FAO-2639-2017.

Mr. Ravinder Rana, Advocate
for the appellant (in FAO-3490-2017).

Mr. Subhash Goyal, Advocate
for the respondent-Insurance Company.

Mr. Gaurav Sethi, Advocate
for respondent No.3 in FAO-2639-2017.

NIRMALJIT KAUR, J. (Oral)

The above mentioned two appeals shall stand decided by this common order as these arise out of one and same accident.

The insurance company has filed the appeal against the award being aggrieved by the fact that the compensation awarded was on the higher side. It was contended by learned counsel for the insurance company that there was no loss of future income to the injured-claimant and the Tribunal further erred in granting 30% towards future prospects. The total amount awarded by the Tribunal is Rs.26,77,267/- and almost Rs.13,79,000/- has been awarded towards loss of future income as 30% towards future prospects of Rs.4,13,700/-.

On the other hand, learned counsel for the claimant while praying for enhancement of the amount submitted that nothing has been awarded towards loss of income while the claimant was hospitalized and confined to bed for almost ten months. Not only that, even the date of birth has been wrongly taken into consideration. As per the record, he was 38 years of age on the date of the accident and, hence, multiplier of 15 should have been applied whereas the multiplier applied is 14. The appellant is a practicing Advocate and in this way, future prospects of the appellant cannot be restricted to 30% only. It should have been more than 50%.

There is merit in the argument of learned counsel for the claimant to the extent vide which the multiplier should have been of 15 and not 14 as per his age on the date of the accident as also with respect to the loss of income while he was confined to bed for ten months. However, this Court finds that the Tribunal has already assessed the loss of future income and future prospects on the higher side especially taking into account that the disability as expressed may not really come in the way of the claimant to such a degree as to completely render him incapable of pursuing his practice as an Advocate. Therefore, in case the amount so granted by the Tribunal towards these two heads is reduced and the amount is increased on the other side by applying the multiplier of 15 and granting compensation towards the loss of income while the claimant was confined to bed, the amount may almost be balanced to the same amount as already awarded by the Tribunal except for a slight difference which this Court would not like to either decrease or increase taking into account the facts of the present case. Thus, it would be in the interest of justice to dismiss both the appeals filed by the claimant as well as by the Insurance Company.

In view of the above, both the appeals are, accordingly, dismissed.

(NIRMALJIT KAUR)
JUDGE

July 10, 2019
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No