

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O No. 5360-2017 (O&M)
Date of decision:- 26.9.2019.

National Insurance Company Ltd ...Appellant

Versus

Pritam Kaur and ors ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Madhu Sharma, Advocate for the appellant.

RITU BAHRI J. (Oral)

Present appellant-Insurance Company has come up in appeal against the award dated 01.04.2017, passed by Motor Accident Claims Tribunal, Bathinda (for short 'the Act'). The short point involved in the present appeal is that benefit of future prospects i.e. 30% of the annual income towards future prospects of the deceased) have been wrongly awarded.

It comes out that the claim petition is of the year 2016 and the compensation has been assessed by the Tribunal as Rs. 96,000/- per annum in addition to 30% of the annual income towards future prospects of the deceased keeping in view the law laid down by Hon'ble Apex Court in Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 ACJ 1298. The compensation assessed by the Tribunal is as under: -

1.	Income of the deceased to be a labourer	Rs. 8,000 x 12 Rs. 96,000/- per annum
2.	30% added towards annual income	Rs. 28,800 + 96,000 Rs. 1,24,800/-
3.	Multiplier of 18	Rs. 1,24,800 x 18 = Rs. 22,46,400/-
4.	1/3 has been deducted from income on account of personal and living expenses	Rs. 22,46,400-7,48,800 = Rs. 14,97,600/-
5.	Funeral expenses	Rs. 25,000/-
6.	Loss of consortium	Rs. 1,00,000/-
7.	Total compensation	Rs. 16,22,600/-

After going through the impugned award passed by the Tribunal, I am of the view that no modification of the award is required in respect of the quantum. Benefits of future prospects are given as per the existing provisions of law at this stage.

Appeal stands dismissed.

26.09.2019
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No