

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 15966 of 2018(O&M)

Date of Decision: May 28 , 2019.

Mamta Devi

..... APPELLANT (s)

Versus

Rattan Singh and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashok K.Sharma Bhana, Advocate
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed impugning award dated 17.10.2016 passed by the learned Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as, the 'Tribunal') on a limited ground that the expenses incurred by the appellant on the medical treatment of deceased-Amit Kumar, has not been awarded by the learned Tribunal.

It is submitted that deceased-Amit Kumar met with a fatal accident on 12.08.2015. He was admitted in the Civil Hospital, Kalayat and thereafter, referred to the General Hospital, Kaithal, from where he was referred to PGI,

Chandigarh. Amit Kumar, however, succumbed to his injuries on 15.08.2015. It is claimed that a sum of ₹50,000/- was incurred as expenses on the treatment, transportation as well as last rites of the deceased.

Learned Tribunal while assessing income of the deceased as ₹8,000/- per month, awarded a total sum of ₹13,21,000/- to the claimant, which is detailed as hereunder:-

Income	8,000 p.m.
Future prospects @ 50%	12,000 12,000x12 = 1,44,000
Deduction effected @ 50%	72,000
Multiplier of 18	72,000 x 18 = 12,96,000
Funeral expenses	25,000
Total =	13,21,000

Learned counsel for the appellant is unable to deny that instead of an increment of 50% towards future prospects awarded by the learned Tribunal, it is an increment of 40% to which the claimants would be entitled to, in terms of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680**. Learned counsel for the appellant is further unable to deny that there is no such evidence on record to prove that an expense in excess of the 10% extra amount afforded on account of future prospects, was incurred on the medical treatment of the deceased. Thus, even if the entire amount as claimed by the appellants on account of medical expenses is awarded, it would be offset as above.

No other argument has been raised.

Keeping in view the peculiar facts and circumstances of the case, I do not find any ground, whatsoever, to interfere in the impugned award dated

17.10.2016 passed by the learned Motor Accident Claims Tribunal, Kaithal.

There is a delay of 562 days in filing of the appeal. Keeping in view the fact that the matter has been decided on merits, the question of delay in filing of this appeal has been rendered academic. Application is accordingly disposed of.

Appeal is dismissed with no order as to costs.

May 28 , 2019.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No