

FAO-409-2023 (O&M)
Date of decision:23.01.2023

UNITED INDIA INSURANCE COMPANY LTD.Appellant

Verses

SUKHPREET KAUR AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. V. Ramswaroop, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J (Oral):

The present appeal has been filed by the Insurance Company challenging the compensation fixed by the Motor Accident Claims Tribunal, Moga vide order dated 06.10.2022 while allowing the claim filed by the claimant in respect of the death of Mukhtiar Singh who unfortunately died on 25.08.2021.

Learned counsel for the appellant argues that the deceased was about 60 years old but still he has been granted the Future Prospects @ 15% which is totally arbitrary.

Qua the said assertion, the Tribunal while granting 15% of the Future Prospects has relied upon the judgment of the Hon'ble Supreme Court of India in *National Insurance Company Limited Versus Pranay Sethi and Ors, 2017(4) PLR 693*, to hold that where the deceased is between 50 and 60 years of age, and was having a permanent job, 15% of the Future Prospects are to be allowed while assessing the compensation.

Learned counsel for the appellant has not been able to show that how, the said finding, which is based upon the judgment of Hon'ble Supreme Court of India in *Pranay Sethi (supra)* is incorrect. In the

absence of any law pointed out, no interference is called for with regard to the grant of Future Prospects @ 15%.

Learned counsel for the appellant further argues that in the present case multiplier of 9 has been applied for though, the deceased was about to complete 60 years of age. Even the said aspect has been considered by the Tribunal in paragraph 24 and has held that keeping in view the judgment of Hon'ble Supreme Court of India in ***Smt. Sarla Verma Versus Delhi Transport Corporation and another, 2009(3), PLR 22***, where the age of the deceased victim is between 56 and 60, the multiplier of 9 is to be applied. Learned counsel for the appellant has not been able to show that the said finding is contrary to the judgment in ***Smt. Sarla Verma (supra)***. Once, the settled principle of law, settled by the Hon'ble Supreme Court of India has allowed the application of multiplier of 9 in respect of the deceased who was between 56 and 60 years of age, the same benefit has already been allowed by the Tribunal while allowing the compensation, which cannot be said to be against the law.

No other argument has been raised.

Keeping in view the above facts and circumstances, no interference is called for by this Court in the present appeal.

In view of the aforesmentioned discussion, I find no merit in the present appeal and the same is dismissed.

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Miscellaneous application also stands dismissed.

23.01.2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No