

CM-17305-CII-2022 in/and
FAO No. 5197 of 2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CM-17305-CII-2022 in/and
FAO No. 5197 of 2022 (O&M)
Date of Decision : 08.02.2023

National Insurance Company Limited

...Appellant

Versus

Manzer Imam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Pathania, Advocate for the appellant.

Harsimran Singh Sethi J. (Oral)

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Present application has been filed seeking condonation of delay of 09 days in filing the appeal.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed and delay of 09 days in filing the appeal is condoned.

FAO-5197-2022

The present first appeal has been filed by the Insurance Company challenging the Award dated 05.08.2022 passed by the Motor Accident Claims Tribunal, Tarn Taran. The only ground, which has been raised and pressed in the present appeal at the time of hearing is that the future prospects, which have been awarded @ 50% while computing the

compensation, is contrary to the settled principle of law settled by the

Hon'ble Supreme Court of India in SLP(Civil) No. 25590 of 2014 titled as ***National Insurance Company Limited Vs. Pranay Sethi and others***, decided on 31.10.2017.

On being asked as to whether, the victim was working on permanent basis or not, learned counsel for the respondents submits that the finding has been recorded by the Tribunal that the victim was working as Admin cum Safety Officer in Thermal Plant and was drawing a salary of ₹ 15,000/- per month. Even the witnesses, who testified before the Tribunal, supported the said contention and keeping in view the evidence, which had come on record, the salary of the victim was assessed at ₹15,000/- per month.

Learned counsel for the appellant argues that nothing has come on record to show that the victim was working on permanent basis so as to grant the benefit of future prospect at 50% as held by the Hon'ble Supreme Court of India in ***Pranay Sethi's case (supra)*** hence, the computation of the Award by the Tribunal is contrary to the settled principle of law.

On being asked, to point out the evidence, which has come on record to show that the victim was not working on permanent basis, learned counsel for the appellant has not been able to show any evidence that the victim was not working on permanent basis. Once, the evidence has come that he was working as Admin-cum-Safety Officer in Thermal Plant and was being paid a particular salary, the Award of future prospects @ 50% is perfectly valid and legal and inconsonance to the judgment of the Hon'ble Supreme Court of India in ***Pranay Sethi's case (supra)***, in case the

appellant was of the view that appointment of the victim was not permanent,

nothing stopped them to prove the same by leading cogent evidence. As no evidence, which is on record, has been shown to this Court that deceased was not working on permanent basis, argument raised cannot be accepted.

No other point has been raised.

Keeping in view the above, no ground is made out for any interference by this Court in the present appeal.

Dismissed.

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As the main appeal has been dismissed, the present application also stands dismissed.

February 08, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No