

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.5774 of 2023 (O&M)
Date of Decision: 09.02.2024

Uttar Pradesh State Roadways Transport Corporation
...Appellant

Versus

Suresh Pal & others
...Respondents

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Amit Jaiswal, Advocate,
for the appellant-Corporation.

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MEENAKSHI I. MEHTA, J.

Feeling aggrieved and dissatisfied with the Award as handed down by learned Motor Accident Claims Tribunal, Ambala (for short ‘the Tribunal’), whereby respondents No.1 to 4-claimants (here-in-after to be referred as ‘the claimants’) have been granted compensation to the tune of Rs.10,45,000/-, along-with interest thereon @ 7% per annum from the date of institution of the claim petition till its realization, on account of the death of Angoori Devi in a motor vehicular accident and the appellant as well as respondents No.5 & 6 have been held to be jointly and severally liable to pay the above-said amount to the claimants, the appellant-Corporation has preferred the instant appeal to lay challenge to the same.

2. As per the brief factual-matrix emerging from the perusal of the file and culminating in the filing of the present appeal, the claimants, being the husband and children of the afore-named deceased, filed a Claim

Petition for seeking compensation of Rs.40 (forty) lac from the appellant and respondent No.6, i.e the owners and respondent No.5, the driver, of the Bus bearing Registration No.UP-11-AT-0522 (for short 'the offending Bus') and averred therein that on 26.03.2019, the deceased and some other persons were travelling in a Tata-Sumo vehicle having Registration No.HR-04-A-5027 and when they reached near a poultry-farm on Ambala-Jagadhri Road, the offending Bus came there from Ambala Cantt. side and it was being driven by respondent No.5 in a rash and negligent manner at a high speed and while overtaking another vehicle, it (offending Bus) came on the wrong side on the road and collided with the above-said Tata-Sumo vehicle and the deceased suffered grievous injuries in this accident and succumbed to the same. The Tribunal has allowed the afore-referred Claim Petition and has awarded the compensation to the claimants vide the impugned Award, as already discussed in the opening para of this judgment.

3. I have heard learned counsel for the appellant-Corporation in the instant appeal, at the preliminary stage and have also gone through the file carefully.

4. The sole contention, as raised by learned counsel for the appellant-Corporation at the time of addressing the arguments, is that after assessing the notional income of the deceased as Rs.5,000/- per month, the Tribunal has wrongly added an amount, equivalent to 25% thereof, in the same on the score of future prospects for the purpose of calculating the amount of compensation whereas no such amount was required to be so added in the above-mentioned notional income and therefore, the amount

of compensation, as awarded to the claimants, deserves to be modified by reducing the same to the extent of the amount, added therein on the count of future prospects.

5. However, the afore-raised contention does not hold any water because Hon'ble the Supreme Court has categorically observed in **Kirti and Anr. Vs. Oriental Insurance Company Ltd. 2021(2) SCC 166** that "*the grant of future prospects, on the notional income calculated in the cases of home-makers, is a component of just compensation*". These observations are fully applicable to the present appeal and in the light of the same, it becomes explicit that the Tribunal has rightly added the above-said amount in the notional income of the deceased, towards future prospects, to work out her monthly income for computing the amount of compensation.

6. As a sequel to the fore-going discussion, it follows that the impugned Award does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the same is, hereby, upheld and the appeal in hand, being *sans* any merit, stands dismissed.

09.02.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No