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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-2727-2025 (O&M)

Decided on : 13.11.2025

Kajal & ors.

....Appellants

Versus

Arun Kumar Sharma & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Ms. Ekta Thakur, Advocate
for the appellants.

PANKAJ JAIN, J. (ORAL)

1 Claimants are in appeal.

2 The Motor Accident Claims Tribunal, Chandigarh vide impugned award dated 10.01.2025 awarded claimants compensation of Rs.44,23,264/- along with interest @ 7% per annum from the date of filing of the claim petition till the date of realization on account of death of Monu @ Monu Phoal who died in a motor vehicular accident dated 17.08.2022 at the age of 32 years.

3 The only issue raised by counsel for the appellants is regarding future prospects of 40% granted by the Tribunal. Counsel for the appellants claims that the same ought to have been 50% instead of 40% as the deceased was working as Class IV employee on contractual basis in the office of District & Sessions Judge, Chandigarh. She submits that, keeping in view that



the deceased had been working for a long time and was being paid as per DC rates, his employment was akin to a permanent job; thus, the claimants are entitled to future prospects of 50%.

4 Having heard learned counsel for the appellants, this Court finds that the issue is squarely covered by ratio of law laid down by Supreme Court in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* wherein Supreme Court laid down the following ratio :-

59. In view of the aforesaid analysis, we proceed to record our conclusions:-

59.1. The two-Judge Bench in Santosh Devi should have been well advised to refer the matter to a larger Bench as it was taking a different view than what has been stated in Sarla Verma, a judgment by a coordinate Bench. It is because a coordinate Bench of the same strength cannot take a contrary view than what has been held by another coordinate Bench.

59.2. As Rajesh has not taken note of the decision in Reshma Kumari, which was delivered at earlier point of time, the decision in Rajesh is not a binding precedent.

59.3. While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

59.4. In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.”



5 Learned counsel for the appellants is not able to dispute that the deceased was not in permanent employment but was working on contractual basis.

6 In view thereof, this Court finds that the Tribunal rightly granted 40% future prospects on the salary of the deceased.

7 Finding no merits in the present appeal, the same is ordered to be dismissed.

8 Pending misc. application, if any, also stands disposed off.

13.11.2025

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No