IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1519 of 1995 (O&M)
Date of decision: 14.10.2015

United India Insurance Company Limited

….Appellant

Versus

Vidya Devi and others

….Respondents

2) FAO No.1518 of 1995 (O&M)

United India Insurance Company Limited

….Appellant

Versus

Chinto Devi and others

….Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harsh Aggarwal, Advocate
for the appellant (in both the appeals).

None for the respondents (in both the appeals).

RITU BAHRI J. (Oral)

By this single judgment I intend to dispose of two appeals i.e. **FAO No.1519 of 1995** titled as ***"United India Insurance Company Limited vs Vidya Devi and others"*** and **FAO No.1518 of 1995** titled as ***"United India Insurance***

Company Limited vs Chinto Devi and others" as both these appeals have arisen out of the same award dated 17.01.1995.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 18.04.1993, Hari Chand (deceased) was driving motorcycle bearing registration No.PEM-3131 at a slow speed. Sheo Ram (deceased) was sitting on the pillion. The motorcycle was moving on the correct side of the road and in a controlled manner. As it reached on G.T. Road, in the area of village Kalyana Landi, a tanker driven by respondent No.1 came there. It was being driven by the respondent-driver in a rash and negligent manner. It gave no horn. It came to the wrong side and hit the motorcycle and both Hari Chand and Sheo Ram suffered fatal injuries, while the motorcycle was broker. The accident took place because of the rash and negligent driving by respondent-driver.

Consequently, the claimants-respondents filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY MACT

Vidya Devi 's case

On the basis of evidence led by the parties, the Tribunal has returned the finding on Issue No.1 in favour of the claimants-respondents. The claim petition was accepted by the Tribunal and a sum of Rs.1,20,000/- was awarded as compensation on account of death of Sheo Ram along with future interest at the rate of 12% per annum from the date of filing of the petition till its realization. The compensation assessed by the Tribunal is reproduced as below :-

Sr. No.	Heads	Calculations
1.	Assessed monthly income	Rs.1,500/- per month
2.	1/3rd of (1) deducted as personal expenses of deceased	Rs.1,500 - Rs.500 =Rs.1,000/-
3.	Compensation after multiplier of 10 is applied (Age 39 years)	Rs.1,000 x 12 x 10 =Rs.1,20,000/-
4.	**Total compensation awarded**	**Rs.1,20,000/-**

Chinto Devi's case

On the basis of evidence led by the parties, the Tribunal has returned the finding on Issue No.1 in favour of the claimants-respondents. The claim petition was accepted by the Tribunal and a sum of Rs.1,32,000/- was awarded as compensation on account of death of Hari Chand along with future interest at the rate of 12% per annum from the date of filing of the petition till its realization. The compensation assessed by the Tribunal is reproduced as below :-

Sr. No.	Heads	Calculations
1.	Assessed monthly income	Rs.1,500/- per month
2.	1/3rd of (1) deducted as personal expenses of deceased	Rs.1,500 - Rs.500 =Rs.1,000/-
3.	Compensation after multiplier of 10 is applied (Age 45 years)	Rs.1,000 x 12 x 11 =Rs.1,32,000/-
4.	**Total compensation awarded**	**Rs.1,32,000/-**

Feeling dissatisfied with the impugned award, the appellant-Insurance Company has preferred the present appeals i.e. **FAO No.1519 of 1995** titled as ***"United India Insurance Company Limited vs Vidya Devi and others"*** and **FAO No.1518 of 1995** titled as ***"United India Insurance Company Limited vs Chinto Devi and others".***

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased-Sheo Ram and Hari Chand died, as a result of the accident.

The finding that the tanker was driven in a rash and negligent manner has rightly been recorded by the Tribunal and does not call for interference.

The Insurance Company has not lead any evidence to show that the driving licence (Ex.R-1) was a fake one and in the absence of any verification done by Insurance Company, they were held liable to make the compensation as the deceased was having a valid driving licence. This similar aspect has been considered by the Co-ordinate Bench of this Court in **FAO No.2377 of 2013**, titled as ***"HDFC Ergo General Insurance Company vs. Kaushalya Devi and others"*** decided on **08.05.2013,** wherein, it has been held that if the Insurance Company does not choose to effect the verification on the driving licence, then it is the Insurance Company's own failure.

Keeping in view the above facts and circumstances, the appeals filed by the appellant i.e. United India Insurance Company Limited, are hereby dismissed.

(RITU BAHRI)
JUDGE

14.10.2015
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