

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

F.A.O. No. 1888 of 2012

Date of decision : January 20, 2015

Reliance General Insurance Co. Ltd.

....Appellant

versus

Devinder Singh and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. T.K. Joshi, Advocate, for the appellant
Mr. Vikram Bali, Advocate, for respondent no.1
Mr. MS Longia, Advocate, for respondent nos. 2 & 3

Fateh Deep Singh, J. (Oral)

This is an appeal by the insurer seeking to impugn award passed by learned Motor Accident Claims Tribunal, Ropar dated 12.11.2011 whereby a sum of Rs 8,68,000/- along with interest was awarded to the claimant husband for the death of deceased wife Monika Sharma.

Heard Mr. T.K. Joshi, Advocate, for the appellant, Mr. Vikram Bali, Advocate, for respondent no.1 and Mr. MS Longia, Advocate, for respondent nos. 2 & 3 and perused the record.

The findings on issue no. 1 as to the death of Monika Sharma a

student of B.Sc. IT-III year aged around 23 years in a motor vehicular accident on account of rash and negligent driving of respondent driver Manoj Kumar of offending truck No. HP-11B-7066 has neither been assailed and is even otherwise is well established and proved on the record.

The sole contention that has sought to be raked up before this Court is the very quantum of compensation. Though with much vehemence and force it is sought to be argued on behalf of the appellant that deceased was a mere student and that the claim that she was earning money from tuition has not been documentarily established. However, in the light of submissions made on behalf of the contesting respondent-claimant that even if it is considered that she was a young house wife keeping in view her contribution it is reasonable to consider her notional income to be Rs 6000/- per month and which has been taken into account by the learned Tribunal and therefore, nothing can be found fault with. The learned Tribunal has deducted 1/3rd out of this earnings on account of expenses on own self maintenance and upkeepment and thus keeping in view the age of the deceased has applied multiplier of 18 which even counsel for the appellant could not find fault with in view of the settled position of law laid down in *Sarla Verma and others versus Delhi Transport Corporation and another, 2009 (6) SCC 121.* Rather it is conceded by the appellant's counsel that nothing has been awarded by the Tribunal under the conventional heads for

the expenses on the last rites and ceremonies, on account of love and affection so on and so forth and since the same has not been assailed by the claimant, nothing can be taken into consideration on that score. Thus, the findings certainly are correct and rather on the lower side and so qua appellants the compensation is just and fair. The appeal is without any merit and stands dismissed.

January 20, 2015

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**(Fateh Deep Singh)
Judge**