

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1829 of 2015 (O&M)

Date of Decision: March 18, 2015

Reliance General Insurance Company Ltd.

...Appellant

Versus

Smt.Roshni and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Nitin Mittal, Advocate for
Mr.Paras Money Goyal, Advocate
for the appellant.

INDERJIT SINGH, J.

Appellant Reliance General Insurance Company Limited has filed this appeal against Smt.Roshni, Smt.Seema Devi, Vinod Kumar and Parveen Kumar respondents challenging the award dated 27.11.2014 passed by learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal'), vide which the claim of ₹9,45,000/- along with interest @ 9% per annum from the date of filing of petition till actual realization has been awarded.

As per the record, Smt.Roshni and Smt.Seema filed the claim petition against Vinod Kumar, driver of offending canter No.HR-45-5168, Parveen Kumar, owner of offending canter and Reliance General Insurance Company Limited, insurer of offending canter under Section 166 of the Motor Vehicle Act, 1988.

The brief facts of the case are that on 21.04.2012, Sonu was driving motorcycle bearing registration No.HR-06Q-3272. When he reached near Dera Matu Ladra, a canter bearing registration No.HR-45-5168 came from Jind side in a rash and negligent manner and hit the motorcycle, as a result of which, Sonu received multiple and grievous injuries and died at the spot. FIR was got registered against Vinod Kumar. At that time, Sonu (deceased) was 24 years old and was driver by profession and was also running a milk dairy and earning ₹20,000/- per month. The claimants are legal heirs of deceased Sonu and dependent upon him.

In the written statement before the lower Court, it was alleged that there was no fault on the part of the driver-respondent in causing the alleged accident. The deceased himself was negligent and caused present accident.

Learned Tribunal vide award dated 27.11.2014 awarded compensation of ₹9,45,000/- in favour claimants along with interest @ 9% per annum.

At the time of arguments, learned counsel for the appellant firstly argued that the compensation has been awarded in excess and secondly the deceased was also negligent and caused accident.

I have heard learned counsel for the appellant and have gone through the record.

The perusal of the evidence on record shows that claimants examined PW-1 Rajeev Kumar, PW-2 Roshni Devi and PW-3 Rajesh Kumar but respondents have only tendered into evidence

Insurance Policy and driving licence of Vinod Kumar. No evidence has been led by the respondents by examining the driver or any person to show that there was contributory negligence on the part of the deceased. The evidence of the claimants remained unrebutted on the file that accident occurred due to rash and negligent driving of canter driver.

On the argument that the Tribunal awarded excess compensation, I find that the Tribunal has assessed only the income of the deceased @ ₹5000/- per month as a labourer, who was able bodied person. In no way, this income can be held as excessive. Funeral expenses of ₹25,000/- and ₹1 lac consortium also cannot be held as excessive. Proper multiplier as well as proper deductions have been made as per law. In no way, the compensation awarded by the Tribunal, can be held as excessive.

In view of the above discussion, the award dated 27.11.2014 passed by learned Motor Accidents Claim Tribunal, Karnal is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present appeal, the same is dismissed.

March 18, 2015
Vgulati

(INDERJIT SINGH)
JUDGE