IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.23 of 2015 (O&M)

Date of decision: 6th January, 2015

Shri Ram General Insurance Co. Ltd.

… Appellant

Versus

Maya Rani @ Suman and others

… Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Tajender K. Joshi, Advocate – Standing Counsel for the appellant.

FATEH DEEP SINGH, J.

Appellant-insurer has sought to impugn an Award dated 10.09.2014 of the learned Motor Accident Claims Tribunal, Jhajjar whereby a sum of ₹20.00 lacs along with interest @8% p.a. was awarded to the claimants for the death of Sanjeev Nehra in a motor vehicular accident that took place on 10.11.2011 while the deceased was going on motorcycle No.HR-14H-0276 in the area of Chhawa Bus Stand around 7.35 p.m. when the offending vehicle make 'Pickup Bolero' bearing registration No.HR-18A-1633 struck the motorcycle in a rash and negligent manner leading to his instantaneous death. Learned counsel for the appellant has not challenged the culpability of the driver of the offending vehicle and the findings to that extent but has only assailed quantum of compensation so awarded.

Upon hearing Mr. Tajender Kumar Joshi, Advocate representing the appellants.

It is well entrenched on the records in the evidence of the claimants that the deceased was married and has left behind a widow, two minor children and aged mother. Testimony of PW-2 widow Maya Rani @ Suman by way of PW-2/A reflects that the deceased was an Advocate at District Court Jhajjar earning ₹40,000 per month besides getting earnings of ₹25,000 per month from his agricultural work which is duly corroborated by the deposition of PW-3 Ajit Singh Solanki, President of the District Bar Association who has proved the avocation of the deceased by virtue of enrollment certificate Ex.P3 and further materially corroborated by PW-4 Suresh Kumar, Clerk of the deceased who has also given the number of pending briefs with the deceased. Though there is nothing reflected, as has been argued by learned counsel for the appellant, regarding filing of income tax returns and bank accounts and considering this, learned Tribunal has taken overall earnings of the deceased to be ₹15,000 per month and which is reasonable amount keeping in view the avocation and the age of the deceased. The learned Tribunal has deducted 1/3 of these earnings for personal expenses which is certainly on the higher side and has calculated the annual dependency to be ₹1,20,000 and applied a multiplier of 16 by placing reliance upon the ratio laid down in **'Sarla Verma & others v. Delhi Transport Corporation & another'** reported in **2009(6) SCC 121**. Mr.Joshi could not even pinpoint any error as to the award of compensation under the conventional heads of funeral expenses, loss of love and affection and loss of consortium which are to the tune of ₹25,000, ₹30,000 and ₹25,000 respectively.

Appellant-insurer could not even prove that there has been violation of the terms of the insurance policy pertaining to issue No.3 and thus, could not wriggle out of their obligation towards the third party for payment of compensation. In view of the overall situation, compensation awarded appears to be just and equitable and the award thus does not call for any interference.

The appeal being without any merit stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

January 6, 2015
rps