

FAO No. 2390 of 2015 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2390 of 2015 (O&M)
Date of Decision : 10.08.2015.

National Insurance Company Ltd.

...Appellant

Versus

Chainpal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI

Present: Mr. Bhup Singh Taunque, Advocate for the appellant.

K.C. Puri, J.(Oral)

This is an appeal directed by the National Insurance Company against the Award dated 04.12.2014 passed by Sh. Jagdeep Singh, Motor Accidents Claims Tribunal, Sonapat, vide which the claim petition preferred by the claimant Chainpal claiming compensation on account of death of his mother, was partly accepted.

The National Insurance Company has directed this appeal. The only challenge made during the course of arguments is regarding the amount of compensation and negligence. It is submitted that in view of judgment in case **Jitendra Khimshankar Trivedi and others Vs. Kasam**

who is home-maker, cannot be taken more than Rs. 3000/- per month.

I have considered the said submissions but do not find any force in the same.

The accident in **Jitendra Khimshankar Trivedi's case** (**Supra**), has taken place on 21.09.1990, whereas the accident in the present case has taken place on 24.08.2012 i.e. after a lapse of 22 years. If the income of a home-maker woman can be taken as Rs. 3000/- per month in the year 1990 in that case, the income of deceased in the year 2012 as Rs. 4000/- cannot be said to be on higher sides. So far as the factum of negligence regarding the offending vehicle is concerned that stand proved, counsel for the appellant could not point out how the findings on the issue of negligence are wrong.

In view of the above discussion, the appeal is without any merits and the same stands dismissed.

August 10, 2015.
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(K.C. PURI)
JUDGE