

**113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
FAO No.3983 of 2015 (O&M)
Date of Decision: July 02, 2015**

New India Assurance Company Limited Appellant

vs.

Paramjeet Kaur and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ashwani Talwar, Advocate for the appellant.

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

Kuldip Singh J.(Oral)

The Insurance Company has filed this appeal against the Award dated 18.03.2015 passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (in short 'the Tribunal).

In this case, Bhupinder Singh, an agriculturist died in a motor vehicular accident on 02.02.2013. The Tribunal awarded compensation to the tune of ₹35,76,000/- (rupees thirty five lac seventy six thousand only) along with interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

Learned counsel for the appellant has argued that the Tribunal had wrongly assessed the income of the deceased @ ₹18,000/- per month.

While assessing the income of the deceased, the Tribunal took into consideration that at the time of accident the deceased was 34 years of age and he was maintaining a car, a motor-cycle and a tractor, the registration certificates (Exs.P-15 to P-17) of which were produced on file. There was one sale deed to prove that he had a share in the land with some other persons. Three unregistered sale deeds were also produced on file to show that he had taken the land on lease. The fact that the deceased was having a tractor means that he was having at least around five acres land for cultivation. The fact that he was maintaining a car, a motor-cycle and a tractor means that he was having a good income. Therefore, this court agrees with the findings recorded by the Tribunal that the deceased was having income of ₹18,000/- per month.

It being so, no fault can be found with the compensation calculated by the Tribunal.

Accordingly, the present appeal is dismissed.

July 02, 2015
sarita

(KULDIP SINGH)
JUDGE