IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4260 of 2015 (O&M)
Date of Decision: July 16, 2015

National Insurance Company

...Appellant

Versus

Saroj and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Madhu Sharma, Advocate
for the appellant-Insurance Company.

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INDERJIT SINGH, J.

CM No.13620-CII of 2015

For the reasons mentioned in the application, the same is allowed. The delay of 20 days in re-filing the appeal is condoned.

FAO No.4260 of 2015

National Insurance Company has filed this appeal against claimants-respondents Saroj, Varsha, Urmila, Varun and respondents Ganga Ram, driver-cum-owner of Tata Sumo bearing registration No.MH14TCF-725 (offending Sumo), Partap, driver and Bed Parkash Saini, owner of Eeco Car bearing registration No.HR-26BL-1973 (offending car), challenging the impugned Award dated 09.02.2015 passed by learned Motor Accident Claims Tribunal, Palwal, (hereinafter referred to as 'Tribunal').

The brief facts of the case are that claimants Saroj, Varsha, Urmila and Varun, wife and children of deceased Naresh, filed the claim petition against Ganga Ram, driver and National 'Insurance Company Limited, Insurer of offending Sumo, and Partap, driver, Bed Parkash Saini, owner and National Insurance Company Limited, Insurer of offending car under Section 166 of the Motor Vehicles Act, on account of death of Naresh.

Learned Tribunal awarded compensation of ₹12,35,000/- along with interest @ 7.% to the claimants.

At the time of arguments, learned counsel for the appellant-Insurance Company argued only on quantum of compensation. She further argued that the Tribunal has assessed the age of the deceased wrongly and further that the compensation has been given in excess.

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

From the record, I find that it is mentioned in the claim petition that deceased Naresh was 25 years of age. In the post mortem examination report also, the age of Naresh is written as 25 years. There is no other document available on the record to show that the deceased was of 31 years of age as argued by learned counsel for the appellant. The age has been properly taken by the Tribunal for the purpose of applying the multiplier. The deceased was doing work of labourer, therefore, the Tribunal has assessed his income @ ₹5000/- per month. In no way, the income taken by the

Tribunal can be held as excessive. Labourers, now a days, earn more than ₹200/- per day for manual labour. By taking the income @ ₹5000/- properly and making the deduction of 1/4th, the dependency was assessed @ ₹67,500/- per annum, after giving 50% future prospects as per law. The Tribunal held the claimants entitled to compensation of ₹12,15,000/-. The Tribunal has only given ₹10,000/- for transportation and last rites, which rather looks, has been given as less. Similarly, only ₹10,000/- has been given for loss of consortium. No compensation has been given on account of love and affection to the minors. Therefore, in no way, it can be held that the compensation granted by the Tribunal is excessive.

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

July 16, 2015 **(INDERJIT SINGH)**
Vgulati **JUDGE**