IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4362 of 2015 (O&M)
Date of decision: 31.07.2015

Reliance General Insurance Company Limited

... Appellant

versus

Sanjay Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Raj Kumar Bashamboo, Advocate for the appellant.

K.Kannan, J.

The appeal is by the insurance company against the assessment of compensation for death of male aged 42 years. He was said to be in business and the claims were relying on the acknowledgment of payment of income tax that evidenced the gross income to be Rs. 2, 19, 229/-.

The accident had taken place on 26.01.2012 and he had died on 17.10.2013. The post-mortem conducted by the Doctor had recorded the cause of death as possible of being stated after histopathology examination of viscera. The argument that was advanced was the cause of death was not shown to be resultant to the accident with a long delay of more than 19 months from the date of the accident.

I have seen through the report of medico-legal report that the deceased has suffered grave injuries in the skull and had prolonged treatment at the hospital from the date of the accident till he died. The judgment would reveal that after the accident, he was operated at Medanta Institute of Neuro Science, Gurgaon and the patient although discharged in 2012 he remained unconscious for nearly 19 months upto 22.08.2013. He was again taking treatment and ultimately succumbed. The medical expenses were said to have been incurred to the tune of Rs. 40, 00,000/-, though this amount was disputed by the Insurance Company. He had suffered 100% permanent disablement after the accident and by the length of treatment and his own physical condition brought out by the judgment leaves no doubt as to the cause of the death as resultant to the accident injuries. I will not make the much of the inconclusive medico-legal report which was filed by the claimants.

Even as regards, assessment of the compensation, the argument that deductions of about Rs. 6,200/- made under Chapter VI 'A' should not have been deducted, cannot be accepted. What is relevant for determination of compensation is gross income minus tax and deduction claimable by an assessee for the purpose of tax ought not to be relevant for determination of monetary compensation. I will not, therefore, find any reason to modify the assessment already made for the quantum.

There is no ground for interference. The appeal by the Insurance Company is dismissed.

(K.KANNAN)
JUDGE

31.07.2015
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