

**IN THE HIGH COURT OF PUNJAB AND HARYANA,  
AT CHANDIGARH**

-:-

**F.A.O No. 469 of 2015 (O&M)  
Decided on : January 19, 2015**

United India Insurance Co. Ltd.

... Appellant

Versus

Muskan & Ors.

... Respondents

**CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN**

Present : Mr. Ram Avtar, Advocate, for the appellant.

**Mahavir S. Chauhan, J. (Oral)**

This is insurer's appeal to challenge award dated 27.10.2014, whereby the learned Motor Accident Claims Tribunal, Sirsa ('the Tribunal' – for short), has allowed compensation amounting to Rs.14,71,000/- in favour of the applicants in Claim Application No.263 of 2013 on proof of the fact that the deceased-Krishan Kumar, died in motor vehicle accident caused on 14.07.2012 on account of rash and negligent driving of a car bearing registration No. HR-07J-3805 by its driver-Ravinder and that the deceased was 31 years old and a hair dresser by profession.

While factum and manner of occurrence as also selection of multiplier by the learned Tribunal are not challenged, learned counsel for the appellant argues that income of the deceased has been wrongly taken to be Rs.6000/- per month, inspite of the fact that there is no proof in respect

thereof. However, as is well settled in cases under the Motor Vehicles Act, 1988 while assessing income of the deceased some guess-work has to be employed by the Tribunal, particularly in cases where no tangible evidence of the income of the deceased is coming forward. It is not in dispute that the deceased was a hair dresser by profession. That being so, assessment of income of the deceased as Rs.6000/- per month cannot be said on the higher side because even a daily wage earner would earn that much of amount in this part of the world. No evidence, whatsoever, has been brought forth on behalf of the appellant to show to the contrary.

In view of the above, I am not inclined to interfere with the well-reasoned findings recorded by the learned Tribunal.

Dismissed.

**January 19, 2015**  
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**[ Mahavir S. Chauhan ]**  
**Judge**