

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

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**F.A.O No. 842 of 2015 (O&M)
Decided on : January 29, 2015**

New India Assurance Company Ltd. ... Appellant

Versus

Sweety & Ors. ... Respondents

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

Present : Mr. R.S.Madan, Advocate, for the appellant.

Mahavir S. Chauhan, J. (Oral)

This is insurer's appeal against award dated 22.10.2014, whereby the learned Motor Accident Claims Tribunal, Kurukshetra, ('the Tribunal' – for short) has awarded compensation amounting to Rs.30,30,600/- on proof of death of Sudhir Kumar (the deceased) a truck owner/driver, in a motor vehicle accident caused on account of rash and negligent driving of a canter bearing registration No. PB-65F-2180 by respondent- Jarnail Singh on 11.09.2010 .

It is argued by learned counsel for the appellant that income of the deceased assessed at Rs.15,000/- per month, is on the higher side because there is no evidence in proof of his income and applicant- Sweety, widow of the deceased, has admitted that she is not in possession of any document in proof of earnings of her deceased husband. Learned counsel also argues that nothing could be awarded on account of future prospects as

the deceased did not have regular income.

A perusal of the record, however, would reveal that in the application income of the deceased was stated as Rs.35,000/- per month, but in the absence of any evidence it has been taken to be Rs.15,000/- per month by the learned Tribunal in view of the admitted fact that deceased owned a truck and was himself driving it. Statement of applicant-Sweetie that she was not in possession of any document in proof of income of the deceased is hardly a circumstance that can work to the detriment of the applicants for the reason that it is not uncommon in this part of the world that a husband would not reveal his actual income before his wife. It is not always that owner of a truck, who himself operates it, would keep accounts of the income from the truck. As regards future prospects, suffice it to say that it is anybody's guess that prices are increasing day by day and no wonder the deceased, if alive, would have increased his earnings.

Factum and manner of the accident, however, are not in dispute.

In view of the above, I do not find any reason to interfere with the well reasoned award passed by the learned Tribunal.

Dismissed.

No costs.

January 29, 2015
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[Mahavir S. Chauhan]
Judge