

207.

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

FAO No.303 of 2008 (O&M)

Date of decision:15.01.2016

New India Assurance Company Limited ... Appellant

versus

Sangeeta and others Respondents

II. FAO No.304 of 2010 (O&M)

New India Assurance Company Limited ... Appellant

versus

Sanjeev Kumar and others Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vinod Gupta, Advocate,
for the appellant.

Mr. Ashwani Arora, Advocate,
for respondents 1 to 4.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. Both the appeals by the Insurance Company are on the issue of quantum and challenge to the involvement of the vehicle.

FAO No.303 of 2008 is a case of death of person aged 25 years. The

claimants were widow, 2 minor children and father. The deceased was a passenger in a car that had been insured under a package policy with the appellant-insurer. It had collided with a motorcycle and later hit a tanker before it was stopped at a petrol pump. The manner in which the accident had taken place, it is revealed that there was a gross negligence on the part of the driver of the vehicle in which the deceased and the injured were travelling. If there had been merely a DDR recorded and did not escalate to challaning the driver of the vehicle, it cannot still make possible an inference that is inevitable that there ought to have been negligence on the part of the driver. I will not make much of the issue that the police did not prosecute the driver.

2. In the case of death of person aged 25 years, the court had assessed a compensation of ₹10,25,000/-, taking the income at ₹7,400/- and after providing for a deduction of 1/3, it had applied a multiplier of 17. I will not find any error for interference as regards the quantum.

3. As regards the subject matter of appeal in FAO No.304 of 2008, it is a case of injury of the claimant who had multiple grievous injuries with fracture on his leg. There had been medical bills filed and proved to the extent of ₹18,399/-. The Tribunal assessed a compensation of ₹60,000/-, for medical charges about ₹20,000/-; for pain and suffering ₹15,000/-; ₹20,000/- towards loss

of future income and ₹5,000/- for special diet, attendant charges and transport charges. The amount assessed is modest and I do not find any interference is called for.

4. The awards of the Tribunal are confirmed and both the appeals are dismissed.

(K.KANNAN)
JUDGE

15.01.2016
sanjeev