

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO No. 6274 of 2012 (O&M)

Date of decision : 21.1.2016

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Reliance General Insurance Company Limited
.....Appellant

Versus

Balbir Kaur and others
.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Ms. Kaavya Jariyal, Advocate for
Mr. Tajender Joshi, Advocate for the appellant.

Mr. Onkar Singh, Advocate for respondents no. 1 to 5.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

The Reliance General Insurance Company Limited-appellant has come up in this appeal against the award dated 3.9.2012 passed by the Motor Accidents Claims Tribunal, Gurdaspur (hereinafter referred to as 'the Tribunal'), whereby a compensation of Rs.3,69,500/- has been awarded to the claimants on account of death of Jasbir Singh in a motor vehicle accident.

Brief facts of the case are that on 11.6.2006 at 11:30 a.m, deceased Jasbir Singh along with one Gurmej Singh son of Maghar Singh was going on motor cycle bearing no.PB-06F-6971. When they

reached in the area of Village Bajaran, District Gurdaspur on the link road then one buffalo came and strike in the motorcycle of the deceased due to which deceased fell on the road and sustained severe head injuries and then he was taken to Civil Hospital, Kahnuwan and after first aid was referred to Ajit Hospital, Amritsar where he died on 11.6.2006 and his post mortem was conducted at Civil Hospital, Gurdaspur.

On account of death of Jasbir Singh, claimants filed claim petition under Section 163-A of the Motor Vehicles Act, 1988 bearing MACT Case No. 47 of 01.3.2007 which was partly allowed by the Tribunal and a total sum of Rs.3,69,500/- was awarded as compensation on account of death of Jasbir Singh.

Aggrieved with the impugned award, the Insurance Company has preferred the present appeal.

Learned counsel for the Insurance Company has argued that the claim petition is not maintainable under Section 163-A as the deceased was working in Punjab Police State Service as a Head Constable and was in Pay Band-2 in the pay scale of Rs.5910-20200=Grade Pay Rs.2400/- and as per the Second Schedule the maximum annual salary cannot be more than Rs.40,000/-.

I have heard the counsel for the parties and perused the records of the case. The factum of accident is admitted and proved. The deceased died as a result of the accident.

On the question of assessment of compensation, the Tribunal has rightly assessed the compensation as the deceased

was 45 years at the time of accident and his income was mentioned as Rs.3250/-, as such, as per the Second Schedule of the Motor Vehicles Act the amount of compensation for the person of 45 years was taken to be as Rs.4,80,000 and a cut of 1/3rd was imposed on this amount on account of his personal expenses. The amount of compensation thus came to Rs.3,60,000/-. Besides this amount, the claimants were held entitled for Rs.9500/- on account of general damages. Therefore the compensation was decided as per the Second Schedule of the Act.

In the given set of facts and circumstances of the case, there is no ground to challenge the award of the Tribunal. In view of all that has been discussed above, present appeal is dismissed.

21.1.2016
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(RITU BAHRI)
JUDGE