

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1524 of 2015(O&M)

Date of decision: 14.1.2016

United India Insurance Co. Ltd.

.....Appellant(s)

Versus

Nirmal Kaur and others

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

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Present: Mr. S.S. Sidhu, Advocate for the appellant.

Darshan Singh, J.

1. As per report of the office, respondents No.3 and 4 could not be served as the correct addresses was not filed by the appellant.

2. The present appeal has been preferred by the United India Insurance Company Limited to challenge the quantum of the compensation. Thus, in my opinion there is no need to issue notices to respondents No.3 and 4 who are the driver and owner of the vehicle respectively. Hence, the notice to respondents No.3 and 4 stands dispensed with.

3. The appellant-Insurance Company has preferred this appeal against the award dated 8.12.2014 passed by the learned Motor Accidents Claims Tribunal, SAS Nagar, Mohali whereby the compensation to the tune of ₹ 9,97,000/- has been awarded to the claimants (respondents No.1 and 2) on account of death of Ravinder Singh in a motor vehicle accident which took place on

18.1.2013.

4. Learned counsel for the appellant contended that the income of the deceased has been wrongly taken by the learned Tribunal as ₹ 6,000/- per month. He contended that the accident has taken place on 18.1.2013 and at that time, the wages of the labourer were only ₹ 4,000/- per month. Thus, he contended that the compensation computed by the learned Tribunal is exorbitant as the learned Tribunal has taken the income of the deceased on the higher side.

5. I have duly considered the aforesaid contentions.

6. The impugned award shows that the claimants have examined Sukhjinder Singh as PW-3 who has testified that the deceased was working with him for the last 2 years as Technician and Salesman and he used to pay him ₹ 8000/- per month as salary and ₹ 200/- as incentives for per water purifier installed by him. He has also proved the salary certificate of the deceased Ex.P3 and order book Ex.P-4 but the learned Tribunal has not accepted this version and has taken the income of the deceased to be ₹ 6,000/- per month considering him to be a labourer.

7. I do not find any fault with the findings of the learned Tribunal. The deceased was not simply a casual labourer or unskilled labourer. He was carrying out the technical job and could have easily earned ₹ 6,000/- per month. Thus, the plea raised by the learned counsel for the appellant is devoid of merit and there is no legal infirmity in computing of the compensation by the learned

Tribunal.

8. Consequently, the present appeal is without any merit and the same is hereby dismissed.

January 14, 2016
ps

(DARSHAN SINGH)
JUDGE