

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

-.-

FAO 1258 of 2016 (O&M)
Date of decision: 09.11.2016

Royal Sundaram Alliance Ins. Co, Limited *Appellant*

Versus

Sunita and others *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. D K Prajapati, Advocate for
Mr. R S Madan, Advocate
for the Appellant

Mr. Surinder Gaur, Advocate
for respondents No. 1 to 4

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 21.04.2015 passed by the Motor Accidents Claims Tribunal, Rohtak (in short, the Tribunal).

The sole submission made by counsel for the appellant (insurance company) is that the Tribunal has assessed income of the deceased aged about 15 years at Rs.24,000.00 per annum which is on the higher side.

Counsel for the claimants/respondents has submitted that the claimants have already filed an appeal seeking enhancement of compensation but the same is yet to be listed. However, it is submitted that compensation awarded by the Tribunal is liable to be enhanced and

submissions in this regard would be made in the appeal preferred by the claimants.

I have heard counsel for the parties and perused the paper book particularly the impugned award.

The contention raised by counsel for the insurance company is highly misconceived and liable to be rejected in the light of judgment of Hon'ble the Supreme Court of India ***Kishan Gopal and another vs Lala and others, 2013 (4) R.C.R. (Civil) 276*** wherein income of deceased, a boy of 10 years, died in a motor vehicle accident in the year 1992, has been assessed at Rs.30,000.00 per annum.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

09.11.2016
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No