

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

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F.A.O No. 4926 of 2014 (O&M)

Date of Decision: January 18, 2016.

Oriental Insurance Company Ltd.

..... Appellant

Versus

Kasturi & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr. Jagjit Singh Chatrath, Advocate, for
Mr. Ashwani Talwar, Advocate, for the appellant.

Ms. Ekta Thakur, Advocate, for respondent Nos. 1 and 2.

Mr. Deepender Singh, Advocate, for respondent Nos. 3 and 4.

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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

This appeal is by the insurance company on an issue regarding involvement of a vehicle. The insurance company wants to contend the inconsistencies in versions as alleged by the eye-witness making reference to the vehicle number in Court, but he had not given any registration number of the vehicle when the FIR was lodged. The driver himself did not enter the witness box to deny the involvement of vehicle. The insurance company has not made any efforts to secure presence of the driver to give his version of the accident. If the Tribunal has found involvement as established by the case having been registered against the driver and FIR had also been lodged by the police, there shall be no justification to modify

the findings rendered when there was no evidence given by the driver. As regards quantum of compensation, the Tribunal has taken income of the bachelor as Rs.6000/- per month, made provision of prospect of increase of income, made a 50% deduction and applied multiplier dependent upon the age of the deceased. The mode of determining compensation is in conformity with the decision in **Sarla Verma Vs. Delhi Transport Corporation, 2009(3) RCR (Civil) 77** and **Munna Lal Jain & Anr vs Vipin Kumar Sharma & Ors 2015(6) SCC 315.**

I find no scope of interference.

The appeal is dismissed.

January 18, 2016
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(K.KANNAN)
JUDGE