

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

**FAO-4157-2016 (O & M)
Date of decision: 27.10.2016**

New India Assurance Co.

....Appellant

V/s

Devinder Kaur and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.C. Gupta, Advocate, for the appellant.

Rajan Gupta, J. (Oral)

Present appeal is directed against the award passed by the MACT, SAS Nagar, Mohali, whereby a compensation of ₹ 7,38,000/- alongwith interest has been granted to claimant-respondents.

Accident, in question, took place on March 14, 2014. Deceased was on a motor-cycle when the offending vehicle bearing PB-10-BS-0493 (makes Scorpio) struck against the motor-cycle. As a result, deceased-Bant Singh sustained injures but succumbed to same in the hospital. Claim petition was preferred by his widow and two sons. During the pendency of the claim petition, both sons of the deceased died. Their LRs were brought on record. Challenge of the Insurance company is primarily on the ground that the income of the deceased has been wrongly calculated and incorrect multiplier has been applied.

Admittedly, deceased was a retired Beldar from PWD, B & R, and was getting a pension of ₹ 7440/-. Tribunal presumed that even after

retirement, the Beldar may be earning about ₹ 6,000/- per month by working as a labourer.

I find no infirmity with this finding. Having a large family, and the deceased being about 65 years of age could be earning that much amount. The plea regarding multiplier being on the higher side is hyper-technical in nature. In any case, amount awarded by the Tribunal is ₹ 7,38,000/- only for the widow and grand children of the deceased.

Under these circumstances, no ground to interfere in the appellate jurisdiction of this court is made out.

Dismissed.

October 27, 2016
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No