

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

FAO No.5006 of 2016(O&M)

Date of decision:31.8.2016

The Oriental Insurance Co. Ltd.

....Appellant

VERSUS

Devraj and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sanjiv Pabbi, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal has been directed against the award dated 21.04.2016 passed by the Motor Accident Claims Tribunal, S.A.S. Nagar Mohali (in short 'the Tribunal') whereby compensation has been awarded in regard to death of Indro Devi in a motor vehicular accident that took place on 16.03.2014.

Counsel for the appellant has submitted that the Tribunal has assessed value of services of the deceased at Rs.9,000/- per month which is liable to be reduced being on higher side. The second submission made by counsel is that driver of the offending vehicle namely Jatinder Singh was holding a driving licence to drive a transport vehicle but as per his date of birth, he was less than 20 years of age at the time of issuance of the said driving licence, therefore, he was not competent to have a driving licence to drive a transport vehicle.

I have heard counsel for the appellant, perused the paper-book particularly the award passed by the Tribunal.

So far as the plea with regard to assessing income at Rs.9,000/- per month, a full time domestic help may not be available at Rs.9,000/- per month. On the other hand, a wife or a mother provides services to the family that can never be assessed in terms of money. She is a source of inspiration, motivation and guidance for her children. She acts as a multi-facet personality and looks after needs of the entire family. That being so, I do not find any reason to intervene in assessment of the Tribunal.

With regard to driver of the offending vehicle was less than 20 years of age at the time of taking licence to drive a transport vehicle, perusal of the award would indicate that no such plea was raised before the Court below, therefore, it being a factual controversy cannot be allowed to be raised in the appeal.

No other point has been raised.

In view of what has been discussed hereinabove, the appeal fails and is accordingly dismissed in *limine*.

AUGUST 31, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no