IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.587 of 2016 (O&M)
Date of Decision.27.01.2016

HDFC ERGO General Insurance Company Limited ....Appellant

Vs.

Sitara and others ....Respondents

Present: Mr. Pradeep Kumar, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The insurance company is on appeal on an issue of quantum alleging that the Tribunal has assessed the income for a Barber at ₹8000/- when the income should have been taken only ₹6200/-. This is hardly an objection which the insurance company could be allowed to take in appeal. The insurance company is normally be permitted to take defences which are possible under Section 149 of the Motor Vehicles Act and the issue of income could hardly be a ground of appeal. It is also taken as a ground in many cases only because the Court would require to examine if the award made is far beyond the amounts comprehensible and the award itself is seen as a lottery. Here the case of death of a male aged 27 years and the claimants were young widow and three minor children. If the Tribunal has taken the DC rates for assessing the loss of dependence and not rate as fixed by the Labour Commissioner, I will not find that to be off the mark to make an intervention.

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2. There is also another objection that the Tribunal could not have awarded ₹ 1 lac as loss to estate. There are several theories to it and if the Court has relied on judgment of the Supreme Court to provide for loss to estate in the manner granted already by the Court, I will not make any cause for interference only on this ground.

3. The appeal is dismissed.

(K. KANNAN)
JUDGE

January 27, 2016
Pankaj*

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