

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

FAO No. 6396 of 2016(O&M)

Date of decision :08.11.2016

ICICI Lombard General Insurance Company Ltd.

.....Appellant

Versus

Subhash Chand and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. A.S.Sidhu, Advocate
for the appellant.

DARSHAN SINGH, J. (Oral)

The present appeal has been preferred by appellant-Insurance Company (respondent no.3 in the claim petition) against the Award dated 07.11.2015 passed by the learned Motor Accident Claims Tribunal, Hoshiarpur (for short 'Tribunal'), whereby claimants-respondents no. 1 to 4 have been awarded compensation to the tune of Rs. 13,21,000/- as compensation on account of the death of Gurdip Kumar in the motor vehicular accident, which took place on 13.12.2014.

2. The present appeal has been preferred by appellant-Insurance Company to assail the quantum of compensation.

3. I have heard Mr. A.S.Sidhu, Advocate, learned counsel for the petitioner and have carefully gone through the paper book.

4. Initiating the arguments, learned counsel for the appellant contended that the deceased had just passed the Bachelor of Computer Application. He was not employed anywhere. The learned Tribunal has

wrongly taken the income of the deceased to be Rs. 8000/- per month and then wrongly awarded 50% increase towards the future prospects. Thus, he contended that the amount of compensation awarded by the learned Tribunal is exorbitant.

5. I have duly considered the aforesaid contentions.

6. Deceased-Gurdip Kumar was 23 years of age at the time of his accidental death. He has passed the Bachelor of Computer Application. As per the case of the claimants, the deceased was working as accounts teacher in a computer institute and was getting Rs. 15,000/-. Apart from that he was doing the tuition work and earning Rs. 10,000/- per month. The claimants/respondents no. 1 to 4 have pleaded that deceased was earning total Rs. 25,000/- per month. Thus, it is not a case where the deceased was just a student and was unemployed, though, his exact employment and salary is not established. In those circumstances, no fault can be found with the learned Tribunal determining the income of the deceased to be Rs. 8000/- per month. The learned Tribunal was also justified to award 50% increase in the income of the deceased towards future prospects in view of the fact that he was having the technical qualification and was only 23 years of age at the time of his death.

7. Thus, keeping in view of my aforesaid discussion, I do not find any infirmity in the award passed by the learned Tribunal. Therefore, the present appeal being devoid of merits, is hereby dismissed.

(DARSHAN SINGH)
JUDGE

08.11.2016

S.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No