

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

**C.M No.2322-CII-2016 in/and
F.A.O. No.810 of 2016
Date of Decision : 02.02.2016**

United India Insurance Company Limited

..... Appellant

Versus

Urmila and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ram Avtar, Advocate
for the applicant-appellant.

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?

AJAY TEWARI, J. (Oral)

C.M. No.2322-CII-2016

For the reasons recorded, the application is allowed subject to all just exceptions. Delay of 2 days in filing the appeal is condoned.

FAO No.810-2016

This appeal has been filed by the Insurance Company against the award dated 19.09.2015 passed by the Motor Accident Claims Tribunal granting compensation of Rs.65,73,000/- alongwith interest @ 9% p.a. to the claimants.

The admitted facts are that the deceased was 34 years old

diploma holder Civil Engineer.

Learned counsel has argued that the Tribunal erred in taking the income as Rs.35,000/- p.m.

With the assistance of the learned counsel, I have gone through the record. For the year 2012-13 the deceased had declared the total income of Rs.2,45,000/-. However, thereafter the claimants had produced representative of the employer of deceased (M/sAman Builders) who proved on record the fact that from August, 2012 the deceased had been getting salary of Rs.35,000/- p.m and details of the monthly cheques given to him were produced.

Learned counsel has argued that as per the record the deceased worked with M/s Aman Builders only till September, 2013 and thereafter it was claimed that till his death in January, 2014 he was working with M/s Sharma Builders but no details of that salary and employment etc. were provided and therefore after August, 2013 there is no proof that the deceased was earning anything.

In my opinion, this argument is too far fetched. In the wake of the evidence on record it is clear that the deceased was in regular employment. His income record has been proved by documents. The mere fact that his employment record for the last four months of his life was not available with his wife when she appeared as witness can not lead to the conclusion that he was not earning anything.

In the circumstances, no fault can be found with the findings of the Tribunal.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 02, 2016
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(AJAY TEWARI)
JUDGE