

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

FAO-6761-2011 (O & M)
Date of decision: 15.03.2017

Bajaj Allianz General Ins. and anr.

....Appellants

V/s

Surjit Kaur and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ashwani Talwar, Advocate, for the appellant.

None for respondents No.1 to 4.

Mr. Liaqat Ali, Advocate, for respondents No.5 and 6.

Rajan Gupta, J. (Oral)

CM-27510-CII-2011

This is an application seeking condonation of delay of 86 days in filing the appeal.

For the reasons stated in the application, same is allowed and the delay of 86 days in filing the appeal is condoned.

FAO-6761-2011 (O & M)

In the present appeal, award dated March 18, 2011, passed by the Motor Accident Claims Tribunal, Sangrur, has been impugned.

An accident occurred on February 26, 2008³ between a scooter and a car make Zen. As a car struck two-wheelers, Jagtar Singh fell on the road and sustained injuries. He was taken to Apollo Hospital, Ludhiana, where he succumbed to the injuries. A claim petition was preferred by his legal heirs before the Tribunal at Sangrur. On examining the evidence led before it, it came to the conclusion that death of Jagtar Singh was a result of rash and negligent driving by the driver of Zen car. It, thus, proceeded to assess the compensation. It found that salary of the deceased, who was 33

year old, was Rs.1,13,680/- per year which included agriculture income and the interest earned by him. After deducting 1/4th as personal expenses, the Tribunal applied a multiplier of 16 and found that claimants were entitled to compensation of Rs.13,64,160/- another Rs.20,000/- was granted under the conventional heads.

Plea of the Insurance company is that income has been assessed on the higher side. Only that part which was earned through income from other sources could not be taken into account being interest from a partnership firm.

I find no substance in this argument. It is evident that the deceased was having agriculture land and Tribunal came to the conclusion that the deceased was acting as a managerial capacity. He may have hired some labour to manage the land besides he was getting some income as interest as well. In any case, as future prospects has not been granted, the compensation would still remain the same if plea of the Insurance company is accepted. Besides, compensation has been apportioned amongst the widow and children and some of Rs.1,37,416/- has been granted to the mother of the deceased.

I am of the considered view that no interference in appellate jurisdiction is called for. Dismissed.

March 15, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No