IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5321 of 2017 (O&M)
Date of Order: 08.08.2017

Oriental Insurance Company Ltd.

..Appellant

Versus

Jagroop Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J.

C.M.No.16589-CII of 2017

Prayer in this application is for condonation of delay of 15 days in filing the appeal.

For the reasons recorded in the application, which is supported by an affidavit, the application is allowed and delay of 15 days in filing the appeal is condoned.

FAO NO.5321 of 2017

The Insurance Company is in appeal against the award passed by the Motor Accident Claims Tribunal, Faridkot (hereinafter referred to as 'the Tribunal) assessing compensation to the tune of Rs.22,65,000/- payable to the claimants on account of death of late Sh. Kuljit Singh, who died in a motor accident.

Learned counsel for the appellant has submitted that the assessment of the income by the Tribunal is excessive. He has further submitted that the income tax return was filed subsequent to the date of incident.

I have heard learned counsel for the appellant and with his able assistance gone through the award passed by the learned Tribunal.

In this case, the deceased was working with a wine contractor. The wine contractor had stepped into the witness box as CW2. He had certified that the deceased was being paid Rs.30,000/- per month after deduction of Rs.3,000/- per month as TDS. Apart from that certificates Ex.C-14 and Ex.C-15 were filed to support of the fact that the deceased was receiving a salary of rs.30,000/- per month. It has further been noticed that the deceased had completed his degree in Electrical Engineering from Punjab State Board of Technical Education & Industrial Training, Chandigarh.

Counsel for the appellant has not been able to show that such finding arrived at by the learned Tribunal is result of misreading of evidence.

Learned counsel for the appellant has referred to the cross-examination of Raj Kumar, the partner of the wine contractor firm, to assert that the partner did not remember the salary paid to other employees. He did not produce the record to show that how much salary was being paid to each of the employee. He submitted that from the reading of the statement, it is established that Raj kumar was trying to support the case of the deceased-employee.

I have considered the submissions made by counsel for the appellant.

Raj Kumar, appeared as CW1. Raj kumar states that they kept an accountant in the name of Rinku and all the record with regard to salary is maintained by Rinku. The Insurance company did not take any step to summon the aforesaid Rinku.

In these circumstances, there is no error in the award passed by the learned Tribunal. The appeal is ordered to be dismissed.

August 08, 2017 **(ANIL KSHETARPAL)**
nt **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No