

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

**FAO No.5804 of 2017 (O&M)
Date of Decision: 08.09.2017**

United India Insurance Co. Ltd.

... Appellant

Versus

Joginder Singh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ravinder Arora, Advocate,
for the appellant.

ANIL KSHETARPAL, J. (ORAL).

The Insurance Company is in appeal against the award passed by the Motor Accident Claims Tribunal, awarding compensation of Rs.2,74,880/- on account of death of Mohinder Singh.

Learned counsel for the appellant has argued that the deceased was 67 years old and his children were major at the time of accident. Therefore, they were not dependent on the deceased. Learned counsel for the appellant has further argued that the finding of the Tribunal with respect to the rash and negligent driving of Innova car is also erroneous.

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

It is not in dispute that the deceased Mohinder Singh was running an auto rickshaw. He was enjoying good health. It has further come on record that earlier the deceased was working in Dubai as a Bartender.

Keeping in view the evidence available on the record, the Tribunal assessed the income of the deceased at the minimum wages payable to the unskilled labourer. The Tribunal has further assessed the dependency after imposing 1/3rd deduction. The Tribunal has applied multiplier of only 5 as per *Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(6) SCC 121*.

In these circumstances, the compensation assessed by the Tribunal does not suffer from any illegality.

The second argument of learned counsel for the appellant is that the finding of the Tribunal on rash and negligent driving is erroneous.

I have considered the submission of the learned counsel for the appellant. The Tribunal has discussed the evidence available on the file in detail and after appreciating the evidence, has recorded a finding that the driver of Innova car was driving the vehicle in a rash and negligent manner and the accident took place due to rash and negligent driving of the car involved in the accident. Learned counsel for the appellant could not point out any substantive misreading of the evidence available on the file.

In view of the discussion made above, I do not find any good ground to interfere with the award passed by the Tribunal.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

08.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No