

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.7254 of 2017 (O&M)

Date of decision: 28.11.2017

National Insurance Company Ltd.

..... Appellant

Versus

Vidya Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Madhu Sharma, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM-23594-CII-2017

There is a delay of 37 days in filing the appeal.

For the reasons stated in the application, the delay of 37 days
in filing the appeal is condoned and the application is allowed.

Main Case

Insurance Company is in appeal against the award passed by
Motor Accident Claims Tribunal dated 17.05.2017 determining
compensation payable to the claimants at Rs.13,08,000/-. Learned counsel
for the appellant has vehemently argued that the deceased was 25 years of
age unmarried and the Court has taken the income of the deceased as
Rs.11,000/- per month which is on the higher side.

I have considered the submission. It is not in dispute that the
deceased was having diploma in electrical trade from Industrial Training
Institute, Sohna. Claimants have also produced on file Ex. P-7, a certificate

issued by Hytech Engineers, Gurgaon showing that the deceased was working on a monthly salary of Rs.17,500/-. However, the Court taking into consideration that no other employee from the said company has been examined, ignored that certificate and assessed the income of the deceased at Rs.11,000/- per month treating the deceased to be a skilled labourer. In the considered opinion of this Court, there is no error in the approach of the learned trial Court. The accident took place on 30.07.2015. Deceased was resident of Gurgaon. An electrician earns more than Rs.11,000/- per month even if he does odd jobs. Here is a case where the deceased was having a diploma in electrical trade from Industrial Training Institute. He was a qualified electrician. Therefore, the income assessed by the Motor Accident Claims Tribunal cannot be said to be on the higher side.

Learned counsel has further submitted that the multiplier has been applied taking into consideration the age of the deceased and not of the mother.

Hon'ble Supreme Court has repeatedly laid down that while determining the compensation, it is the age of the deceased which has to be taken into consideration.

No other argument was raised by learned counsel for the appellant. Finding no merit, the appeal is dismissed.

28.11.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No