

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

FAO No.897 of 2017 (O&M)
Date of decision: April 25, 2017

Reliance General Insurance Co. Ltd. ... Appellant

Versus

Kala Singh and others ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjeev Kodan, Advocate for the appellant.

Rajan Gupta, J.

Appellant Reliance General Insurance Company Limited has impugned the award dated 09.01.2017, passed by Motor Accident Claims Tribunal, Karnal, whereby compensation has been awarded to the claimants on account of death of Kala Singh in the accident.

Learned counsel for the appellant has argued that the tribunal has wrongly assessed the amount of compensation. It has not considered the fact that deceased was a seven years old child.

I have heard learned counsel for the appellant and given careful thought to the facts of the case.

Accident occurred on 20.10.2015, wherein Kala Singh son of claimants/respondents No.1 & 2 had died. FIR No.624 dated 23.10.2015 was registered at Police Station Assandh, District Karnal regarding the said accident. A claim petition under Section 166/140 of the Act was filed by the claimants. On appraisal of evidence, the tribunal came to the

conclusion that accident was caused by respondent No.3 while driving offending car in a rash and negligent manner. As regards quantum of compensation, the tribunal observed that deceased was 10 years of age at the time of accident. Considering the evidence, it awarded a lumpsum amount of Rs.10.00 lacs towards loss of future income, loss of love and affection, dependency, shock, funeral expenses etc. After adding Rs.1,95,197/- spent towards treatment of deceased, a total compensation of Rs.11,95,000/- has been awarded to the claimants along with interest @ 7% per annum from the date of filing of petition till realization.

There appears to be no apparent error in appraisal of evidence by the tribunal. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The insurance company did not adduce any evidence to prove that accident was not result of rash and negligent driving of driver of the offending car. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 25, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No