

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

FAO No. 3778 of 2008(O&M)

Date of decision: 12.11.2018

National Insurance Company Ltd.Appellant

VERSUS

Smt. Hanni and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.C. Kapoor, Advocate for the appellant.

REKHA MITTAL, J.

This appeal has been filed against award dated 26.06.2008 passed by the Commissioner under the Workmen's Compensation Act, 1923 (in short 'the Act'), Circle IV, Gurgaon whereby amount of Rs.5,16,000/- has been awarded for death of Jormal during course of employment as a driver on truck of N. Shyam Parsad – respondent No.8. Claimants are the widow and six minor children of deceased Jormal. It is not in dispute that the deceased was working as truck driver and sustained injuries in the course of employment with respondent No.8 N. Shyam Parsad that proved fatal.

The sole submission made by counsel for the appellant is that income of the deceased assessed at the rate of Rs.4,000/- per month is not based upon any materials on record and the same is excessive.

The Commissioner by relying upon judgments **Aslam Sirdar Ahmed Bepari Vs. Mohamed Ghouse Kutbuddin Dharwadkar and another, 1999 (1) T.A.C. 397 (Karnataka)** and judgment of this Court **United India Insurance Co. Ltd. Vs. Kaushalya Devi and others,**

2006(3) ACC 285 assessed income of the deceased at Rs.4000/- per month and compensation by applying relevant factor of 203.85 on the basis of age of the deceased to be 32 years. When the case is examined in the light of judgment in **Kaushalya Devi and others case** (supra) decided by this Court in February 2006 wherein income of the deceased assessed at Rs.4000/- per month by the Commissioner was affirmed, I do not find any reason to interfere in the assessment of compensation particularly in the circumstances that counsel for the appellant has failed to raise any substantial question of law at the time of hearing.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

NOVEMBER 12, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no