

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-934-2005 (O&M)

Date of decision: 01.05.2018

United India Insurance Company Ltd.

..... Appellant

Versus

Sukhwant @ Sukhwinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Satpal Dhamija, Advocate for the appellant.

Mr. Ranjivan Singh, Advocate for respondent No. 1.

RAMENDRA JAIN, J. (ORAL)

1. Through this appeal the Insurance Company has challenged the impugned Award dated 25.10.2004 of the learned Motor Accident Claims Tribunal, Rupnagar (for short-'the Tribunal') whereby nephew of deceased-Kaka Singh, namely; Sukhwant @ Sukhwinder Singh-respondent No. 1 was awarded compensation to the tune of ₹ 70,000/- on account of death of his above- named uncle.

2. Learned counsel for the appellant-Insurance Company contends that the learned Tribunal has erroneously granted ₹ 50,000/- to respondent No. 1-nephew of deceased-Kaka Singh, without disclosing under which head the same has been granted. A nephew of a deceased cannot be treated as dependent upon him.

3. On the other hand, learned counsel for respondent No. 1-claimant vehemently opposed the submissions of learned counsel for the

appellant-Insurance Company.

4. Having given considerable thought to the rival submissions made by both the sides, this Court finds that awarding of ₹ 50,000/- to respondent No. 1 by the learned Tribunal is illegal, inasmuch as, respondent No. 1 is the nephew of deceased-Kaka Singh, who cannot be treated as his legal heir or dependent upon him in the presence of his own two brothers and one sister. The learned Tribunal has not disclosed under what head ₹ 50,000/- was granted to respondent No. 1.

5. In view of the discussion made above, it is held that respondent No. 1 has wrongly been awarded compensation of ₹ 50,000/- and the same is treated as NIL. However, the impugned Award qua compensation of ₹ 20,000/- towards funeral expenses is maintained. The appellant-Insurance Company is directed to deposit with the Tribunal within two weeks from today ₹ 20,000/- if not already deposited, for onward disbursement to respondent No. 1-claimant under the aforesaid head, against proper receipt and identification, in accordance with law.

6. With the above modification in the impugned Award, the instant appeal stands disposed of.

May 01, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No