IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision:- 19.01.2018

1. FAO No. 2719 of 2011 (O&M)

Oriental Insurance Co. Ltd. ....Appellant

Versus

Smt. Mala Devi & Ors. ...Respondents

2. FAO No. 3053 of 2011 (O&M)

Smt. Mala Devi & Ors. ....Appellants

Versus

Dilbag Singh & Anr ...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Ashwani Talwar, Advocate, and
Mr. Lalit Kumar, Advocate, for the appellant
and for the respondent-Insurance Co.
(in FAO No. 2719 of 2011)

Mr. R.S.Mamli, Advocate, for the respondents and
and for the appellants (in FAO No. 3053 of 2011)

AVNEESH JHINGAN, J. (Oral)

The present appeals have been filed against award dated 03.02.2011 passed by Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari (for short, 'the Tribunal').

In a motor vehicular accident that occurred on 22.09.2009, Ram Ashish Paswan lost his life. In the said accident offending vehicle was truck bearing registration No. HR46-8554.

In a claim petition filed under Section 166 of Motor Vehicles Act, 1988 (for short, 'the Act'), the Tribunal awarded a compensation of Rs.30,05,000/- along with interest @9% per annum.

Insurance company has filed the present appeal on the ground that the Tribunal while computing the compensation has not deducted the income tax to be paid.

In the appeal filed by the claimants for enhancement it is argued that there was a subsequent pay revision which was effective from 2007. As a result of revision the salary taken by the Tribunal is on the lower side and his further grievance is that no future prospects have been awarded.

I have heard learned counsel for the parties; perused the paper-book and record.

Learned counsel for the insurance company resisted the additional evidence of pay revision produced on the ground that they may be given opportunity to verify the same.

The issues raised in both the appeals are inter-connected. The deceased was an income tax assessee and must have filed returns.

The matter is remitted back to the Tribunal to recalculate the compensation after deducting income tax and taking into consideration the additional evidence produced by the appellants subject to the objections raised by the insurance company. The issue of future prospects will also be decided by the Tribunal, in accordance with law.

The parties are directed to appear before the Tribunal on 21.02.2018.

The appeals are disposed of, accordingly.

January 19, 2018 **(AVNEESH JHINGAN)**
tripti **JUDGE**

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