

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 1139 of 2015 (O&M)

Date of Decision: 07.05.2018

Smt. Ompati alias Omal

.....Appellant

Versus

Hari Darshan and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ram Pal Verma, Advocate
for the appellant.

Mr. R.N. Singal, Advocate
for respondent No.2-Insurance Company.

AVNEESH JHINGAN, J.(oral)

This is an appeal against the award dated 31.07.2014 passed by the Motor Accident Claims Tribunal, Sonapat (for short 'the Tribunal').

Ramesh aged 52 years lost his life in a motor vehicular accident which took place on 16.06.2012. A claim petition was filed by the widow of the deceased under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'). The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle bearing registration No.HR10Q-0119. The deceased was working in Indian Army. The Tribunal assessed the monthly earning of the deceased as Rs.5000/- per month and awarded a sum of Rs. 5,70,000/- as compensation along with interest at the rate of 7.5 % per annum.

The grievance in the present appeal is that the income has wrongly been assessed without considering the monthly salary of the

deceased.

Learned counsel for the appellant argued that exhibits were to be produced to prove the monthly salary of the deceased.

Accordingly, the matter is remitted back to the Tribunal to decide the issue of quantum of compensation afresh after considering the evidence with regard to salary received by the deceased. The parties would be at liberty to adduce fresh evidence if so desired. The Tribunal while dealing with the quantum of compensation shall take into consideration the decision of the Supreme Court in *National Insurance Company Limited Versus Pranay Sethi and others* 2017 AIR (SC) 5157.

Parties are directed to appear before the Court below on 31.08.2018.

07.05.2018
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(AVNEESH JHINGAN)
JUDGE