

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 216

FAO-2236-2014 (O&M)

Date of decision : 11.07.2018

Shri Ram General Insurance Co. Ltd.

..... Appellant

VERSUS

Charanjit Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arun Sharma, Advocate, for
Mr. T. K. Joshi, Advocate, for the appellant.

Mr. Ashok Bector, Advocate, for respondents No. 1 to 3.

. . . .

DEEPAK SIBAL, J. (ORAL)

Through the present appeal the appellant-Insurance Company challenges the award dated 09.04.2013, passed by the Motor Accident Claims Tribunal, Rupnagar (for short, the Tribunal) through which the claimants (respondents No. 1 to 3 herein) have been awarded ₹10,02,000/- as compensation alongwith interest @ 6 % per annum from the date of institution of the claim petition till the realization of the same. Such compensation has been awarded to them on account of the death of Manpreet Singh son of respondents No. 1 and 2 and brother of respondent No. 3 in an accident.

The only issue raised by learned counsel for the appellant is that the Tribunal has erred in assessing the monthly income of the deceased to be ₹9,000/- as there was no basis or evidence on record in that regard.

Learned counsel for the respondents/claimants counters the above submissions by submitting that the deceased was a young man of 23

years of age and was a mason by profession. The evidence in the form of the statement of PW-1 Charanjit Kaur (mother of the deceased) had come on record as per which the deceased was earning ₹15,000/- per month. Such evidence was not refuted by the appellant at any stage.

After hearing learned counsel for the parties this Court finds no merit in the appeal.

It was proved on record that the deceased was working as a mason. PW-1 Charanjit Kaur appeared before the Tribunal and categorically stated that at the time of his death her son was earning ₹15,000/- per month. She was subjected to lengthy cross-examination but she stood on her ground with regard to the contents of her statement that her deceased son was earning ₹15,000/- per month. No evidence to the contrary was produced by the appellant. Thus, after applying the applicable cut on account of dependency and considering the young age of the deceased no fault can be found with the award of the Tribunal assessing his monthly income to be ₹9,000/- .

No other point was raised.

Dismissed.

11.07.2018
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[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No