

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

FAO No.6137 of 2013 (O&M)

Date of Decision:08.03.2018

Shri Ram General Insurance Co. Ltd.Appellant

Vs.

Smt. Samitra Devi and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Tajender K. Joshi, Advocate for the appellant.

RAMENDRA JAIN, J. (Oral)

CM No.25188-CII of 2013

For the reasons mentioned in the application, the same is allowed. Delay of 186 days in filing the appeal is condoned.

FAO No.6137 of 2013 (O&M)

Through this appeal, the Insurance Company has laid challenge to the impugned award dated 02.03.2013 of the Motor Accident Claims Tribunal, Fazilka (for short, 'the Tribunal'), whereby it was jointly and severally held responsible to make compensation of ₹9 lakhs to respondent No.1 from the date of claim petition till realisation along with interest @ 6% per annum.

Learned counsel for the appellant inter-alia contends that the learned Tribunal has assessed monthly income of the deceased at ₹5,000/- as a labourer, but doubled the same for calculating compensation so to be granted to respondent No.1 without any justifiable reason.

Having given considerable thought to the submissions made by

learned counsel for the appellant, I find the instant appeal devoid of any merit for the reasons to follow:-

Undisputedly, deceased Krishan Kumar alias Krishan Lal was a big agriculturist having 13 acres of land. It is needless to mention that an agriculturist possess special skills possess to take maximum yield from his fields. He is unlike casual labourer, who does work for fixed hours. The job of a agriculturist is of 24x7' in the entire year. That apart, he also faces the risk of calamities and other acts of the God. Therefore, the skills and job of agriculturist cannot be equated with a casual labourer.

The accident took place in the year 2011. Considering overall facts and circumstances of the case, the learned Tribunal has rightly taken the monthly income of the deceased at ₹10,000/- per month notionally.

I have gone through the impugned award and find no illegality or perversity in the same.

In view of the discussion made above, the appeal is dismissed.

Amount of ₹25,000/- deposited before this Court as a condition precedent to file this appeal be sent to the concerned Motor Accident Claims Tribunal, Fazilka for onward disbursement of the same to the claimants in accordance with law against proper receipt and identification.

March 08, 2018
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No