

FAO-7973-2015 (O&M)
FAO-1515-2015 (O&M)

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

Date of Decision : 13.8.2018

319 FAO-7973-2015 (O&M)

Balbir Kaur and another Appellants

vs.

Harjot Singh @ Jyoti and others Respondents

319-A FAO-1515-2015 (O&M)

Reliance General Insurance Co. Ltd. ...Appellant

vs.

Balbir Kaur and others ...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sandeep Suri, Advocate
 for the appellant in FAO-1515-2015.
 for respondent No.4 in FAO-7973-2015.

Ms. Rajni Maurya, Advocate for
Mr. Naveen Batra, Advocate
for the appellant in FAO-7973-2015.
For respondent No.1 and 2 in FAO-1515-2015.

Mr. Chander Kant Thakur, Advocate for
Mr. Satbir Rathore, Advocate
for respondent No.5 in FAO-1515-2015.
for respondent No.3 in FAO-7973-2015.

AJAY TEWARI, J. (Oral)

These two appeals have arisen out of the same accident and
therefore are decided by a common order.

The appeal bearing FAO No. 1515-2015 has been filed by the
insurance company against the Award dated 4.1.2014 passed by the Motor
Accident Claims Tribunal, Hoshiarpur whereby a compensation of Rs.

17,48,271/- has been awarded on account of death of Amrik Singh while appeal bearing FAO No. 7973-2015 has been filed by the claimants for enhancement of compensation.

Since limited points have been urged detailed reference to the facts is not required.

Learned counsel for the insurance company has argued that under the conventional heads an amount of Rs.1,30,000/- has been awarded which is against the maximum limits of Rs. 70,000/- which has been prescribed in the judgment of the Supreme Court in the matter of ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*** Therefore, Rs.60,000/- has to be reduced. Ordered accordingly.

Counsel for the claimants has argued that income from agriculture has not been taken. Since no evidence was led to that effect no fault can be found with the judgment of the Tribunal in not granting anything on account of agricultural income.

Counsel for the insurance company states that dependency has to be $\frac{1}{2}$ and not $\frac{1}{3}^{\text{rd}}$ in view of the judgment of the Supreme Court in the matter of ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298***. Counsel for the claimants is not in a position to deny this. Consequently, dependency would be $\frac{1}{2}$ instead of $\frac{1}{3}^{\text{rd}}$.

No other issue has been raised by the counsel for the parties.

Resultantly, the appeal bearing FAO No.1515-2015 stands allowed in the above terms and FAO No.7973-2015 stands dismissed.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stands disposed of.

13.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No