

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1717 of 2018
Date of Decision: 02.04.2018

Iffco Tokio General Insurance Co. Ltd.

.....Appellant

Vs.

Sunita and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sandeep Singh, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the appellant/Insurance Company (for short 'the appellants'), against award dated 19.01.2018, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') vide which compensation to the tune of Rs.20,58,300/- was awarded to the claimants on account of death of Pardeep Kumar

On 25.05.2016, deceased Pardeep Kumar (since deceased) along with his brother Sandeep Kumar was going from Karnal to Village Gheer on motorcycle bearing registration No.HR-05-AK-3215 being driven by Sandeep Kumar at moderate speed and that too on appropriate left side of the road. At about 8:00 p.m. when they reached near petrol pump in the area of Village Dheer District karnal, in the meanwhile offending vehicle being driven by respondent No.1 in rash and negligent manner came from behind and hit against the above said motorcycle. Due to this impact of accident, Pardeep Kumar had sustained multiple injuries on his person. Immediately after the accident, injured Pardeep Kumar was shifted to Trauma Centre, Karnal, where he was declared dead. An FIR No.140 dated 26.05.2016 for the offence under Section 279 and 304-A IPC was registered in Police Station Kunjpura, District Karnal.

The Tribunal held that the deceased was 37 years old and as per testimony of PW-1 Sunita (appellant/claimant No.1), her husband deceased

Pardeep Kumar while employed in Tiller Factory at Mugal Majra, unshed to earn Rs.12,000/- per month. However, no documentary proof with regard to job and income has been produced by her. Learned Tribunal has held that the deceased was a labourer as such, his income has been rightly taken as Rs.10,520/- per month in terms of the order pertaining to wages for the year 2016-17 issued by Deputy Commissioner, Karnal. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Income	Rs.10520/- per month
2.	Future prospect 40%	Rs.10520/- + Rs.4208= Rs.14728/-/-
3.	Deduction 1/4th	Rs.14728/- ---- Rs.3682/-= Rs.11,046/-
4.	Total loss of dependency after applying the multiplier	Rs.11,046/- X 12 X 15=Rs.19,88,280/-
5.	Conventional heads	Rs.70,000/-
	Total	Rs.20,58,300/-

So in view of the above table, the learned Tribunal has correctly awarded the compensation as income of the deceased has been rightly taken vide Award dated 19.01.2018, which does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

02.04.2018
anil

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