

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-1774-2018 (O&M)

Date of decision: 05.04.2018

Universal Sompo General Insurance Co. Ltd.

..... Appellant

Versus

Adul Hameed and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Chandan Deep Singh, Advocate for the appellant.

RAMENDRA JAIN, J. (ORAL)

1. The appellant-Insurance Company, has preferred the instant appeal against the impugned Award dated 29.01.2018 of the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as-'the Tribunal'), awarding compensation to the tune of ₹ 14,74,000/- along with interest @ 7% per annum from the date of filing of claim petition till its realization to respondents No. 1 and 3, on account of death of Rashidan aged about 48 years (wife and mother of respondents No. 1 and 3).

2. Learned counsel for the appellant *inter alia* contends that the Tribunal has wrongly assessed the income of deceased @ ₹ 9000/- per month without any basis or documentary proof. The Tribunal ought not to have taken monthly income of the deceased beyond ₹ 7000/- per month.

3. Having given considerable thoughts to the submissions made by learned counsel for the appellant, this Court finds the instant appeal completely devoid of any merit for the reason that assessment of monthly income of a deceased in granting compensation under Section 166 of the Act, is based upon subjective satisfaction of the Tribunal, considering

overall facts and circumstances of the case brought before it by both the sides.

4. In the instant case, learned counsel for the appellant-Insurance Company, wishes that monthly income of the deceased may be taken at ₹ 7000/- instead of ₹ 9000/-, relying upon certain judgments which in the considered opinion of this Court cannot be done in view of the fact that every case has its own peculiar facts and circumstances. More so, in a motor accident claim case only guidance can be taken from a judgment given in a similar set of facts.

5. The appellant-Insurance Company, has no basis or documentary proof to show as to on what basis the learned Tribunal ought to have assess the monthly income of the deceased @ ₹ 7000/- instead of ₹ 9000/-. Therefore, it is only a hypothetical imagination of the appellant-Insurance Company.

6. In the instant case, the deceased was a house-wife rendering her gratuitous services 24X7 hours to her husband, un-married son and married daughters. That apart, she had several other social obligations. Therefore, assessing of her income @ ₹ 300/- per day i.e. ₹ 9000/- per month in view of the judgment of this Court in **Iffco Tokio General Insurance Company Ltd. Vs. Narinder Singh and others, FAO-976-2017, decided on 14.02.2017**, by the learned Tribunal is not liable to the interfered with.

7. In view the discussion made above, the instant appeal fails and the same is dismissed.

April 05, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No