IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2038 of 2018
Date of Decision.24.04.2018

New India Assurance Company ......Appellant

Vs

Ranjit Kaur and others .....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vinod Chaudhri, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

The present appeal has been preferred by the insurance company challenging the award passed by the Tribunal on account of death of one Nirmal Singh who died in a road accident on 26.02.2016. The claimants were widow, son, daughter and father. He was a member of Shrimoni Gurudwara Parbhandhak Committee and was engaged in agricultural pursuits by taking the land on lease and stated to be earning ₹1,50,000/- per annum.

The Tribunal while assessing the compensation of ₹18,84,868/- took the income of the deceased as ₹16,666/- per month, provided an increase of 10% towards future prospects, applied a deduction of 1/4th and adopted a multiplier of 11 besides providing ₹40,000/- towards loss of consortium and ₹15,000/- each for loss of estate and funeral expenses.

Mr. V. Choudhari, learned counsel appearing for the appellant-insurance company submitted that the Tribunal has grossly erred in taking the income of ₹16,666/- per month as no cogent evidence has been produced on record to corroborate the same. In support of his contention, he relied upon the jamabandi for the year 2016 wherein Gurcharan Singh has been shown in cultivating possession of the land whereas he appeared in the witness box as CW3 and testified that deceased was holding his land on lease for the year 2014-15, 2015-2016 and 2016-2017 @₹49,000/- per acre. Therefore, prima facie, there appears an apparent collusion. The compensation was assessed on the basis of income earned by the deceased from the crop yields of the land taken on lease, which is factually incorrect, thus, urges this Court for modification of the award under challenge.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Choudhari, for, the claimants brought on record sufficient evidence to prove the income of the deceased. Besides the statement of CW3 Gurcharan Singh, CW4, proprietor of M/s Vidya Rattan and Company, Commission Agency, Gharachaon, Tehsil Bhawanigarh, District Sangrur testified the sale of crops by the deceased through their agency and issuance of 'J' Form as well as the cheques in favour of deceased from time to time. CW5 and CW6 also corroborated the version of CW3 regarding the land having been given to the deceased on lease for the year 2014-2015 @₹49,000/- per acre and for the year 2015-16 @₹51,000/- per acre. The Tribunal has assessed the compensation keeping in view the parameters laid down by Hon'ble Supreme Court in ***National Insurance Company Ltd. Vs. Pranay Sethi and another 2017 ACJ 2700.***

In view of the aforementioned, I do not find any illegality and perversity in the award passed by the Tribunal. The argument of Mr. Choudhary has not been able to make out a case to interfere in the award passed by the Tribunal. The same is upheld and the appeal stands dismissed. The amount of ₹25,000/- deposited before this Court is ordered to be transmitted to the Tribunal for onward disbursement to the claimants on account of part satisfaction of the award.

(AMIT RAWAL)
JUDGE

April 24, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No