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

FAO No.2086 of 2018 (O&M)
Date of Decision: May 17, 2018

IFFCO Tokio General Insurance Company Ltd. ...Appellant

Versus

Pooja and others ...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Manav Bajaj, Advocate
for the appellant.

***

HARINDER SINGH SIDHU, J.

The insurer has filed the present appeal challenging the award dated 21.12.2017 passed by the Motor Accident Claims Tribunal, Jhajjar (for short 'the Tribunal').

Brief facts as disclosed in the claim petition are that on 12.12.2016 in the area of Village Dhaur, a vehicular accident took place involving Truck No.HR-63B-9587 (herein for short 'the offending vehicle'), wherein, Anil lost his life. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

On a claim petition having been filed by the legal representatives of Anil, the Tribunal assessed the income of the deceased at Rs.12,000/- per month considering his avocation of a driver, awarded addition of 40% towards future prospects, deducted 1/3rd towards his personal expenses, applied the multiplier of 17 (deceased aged 27 years). The loss of dependency was assessed at Rs.22,84,800. Amount of Rs.40,000/- towards 'loss of consortium', Rs.15,000/- as 'funeral expenses' and Rs.15,000/- towards 'loss of estate' was also awarded. In all, compensation of Rs.23,54,800/- along with interest was awarded.

Challenging the Award, the sole argument of Ld. Counsel for the appellant – Insurer is that the Tribunal erred in assessing the income of the deceased at higher rate i.e. at Rs.12,000/- per month without any substantial evidence.

Having heard learned counsel for the parties and going through the record with his assistant, I find no merit in the submission.

In the claim petition, it was pleaded that the deceased was a driver and at the time of the accident, he was driving a tractor. Copy of his salary certificate was also placed on record as Ex.P3, which was proved before the Tribunal by Ravinder Singh (PW3), who is none else, but the proprietor of the Transport Company with whom the deceased was working. This witness proved that the deceased was working as driver in their company. The certificate Ex.P3 depicted that the deceased was getting Rs.15,000/- per month as salary. It was also proved on record that at the time of the accident in question, the deceased was on the wheels of the tractor, which was hit by the offending vehicle. His driving licence was also proved on record as Ex.P4. No evidence to rebut the salary certificate (Ex.P3) or the evidence of the owner of the Transport Company (PW3), was brought on record by the Tribunal.

In view of the evidence, discussed above, the finding of fact recorded by the Tribunal regarding the income of the deceased @

Rs.12,000/- does not call for any interference.

No other point was raised.

Appeal dismissed.

It is made clear that this order has been passed on an appeal filed by the Insurance Company without hearing the claimants and is confined to the contentions raised herein. It is without prejudice to the rights of the claimants to separately agitate for enhancement on any ground that may be available to them.

May 17, 2018 **(HARINDER SINGH SIDHU)**
gian **JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No