IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 133 FAO-4037-2018 (O&M)

Date of decision : 22.10.2018

New India Assurance Co. Ltd. ..... Appellant

VERSUS

Suresh Kumar and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Pardeep Goyal, Advocate, for the appellant.

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DEEPAK SIBAL, J. (ORAL)

The present appeal filed by the Insurance Company is directed against the award dated 16.02.2018, passed by the Motor Accident Claims Tribunal, Barnala (for short, the Tribunal).

Two issues have been raised by learned counsel for the appellant. Firstly, that the respondents/claimants had failed to prove before the Tribunal that deceased-Sunita Rani died on account of the injuries sustained by her in the accident in question and secondly that the Tribunal had assessed the income of the deceased on the higher side.

So far as the first issue is concerned, learned counsel for the appellant very fairly submits that no plea was taken by the appellant-Insurance Company before the Tribunal with regard to the fact that deceased-Sunita Rani did not die on account of the injuries sustained by her in the accident in question. That being so, this issue warrants rejection on this count alone. Further, nothing has been shown before this Court also to support the above contention.

With regard to the second issue, it is submitted that the Tribunal could not have relied upon the income tax returns of the deceased-Sunita

Rani for the assessment year 2014-15 since such returns had been filed on 12.12.2015 i.e. after the date of the accident which was 20.03.2014.

The aforesaid argument though attractive at first blush does not stand deeper scrutiny. A perusal of the award under challenge shows that the income tax returns of the deceased for the assessment year 2012-13 depicted her gross annual income at ₹2,08,328/- and that as per income tax returns for the assessment year 2013-14 her gross annual income was ₹2,17,480/-. These returns were duly proved before the Tribunal and it is not disputed that these returns were filed before the accident. Therefore, even if the income tax returns for the assessment year 2014-15, which are said to have been filed after the date of the accident in question are ignored, the annual income of the deceased is proved to be at least over ₹2 lakhs in comparison to her assessed annual income by the Tribunal at ₹1,78,481/-.

In view of the above, there is no merit in the present appeal.

Dismissed.

22.10.2018 [DEEPAK SIBAL]
shamsher JUDGE

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