

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 125

FAO-5032-2018 (O&M)

Date of decision : 10.08.2018

Magma HDI General Insurance Co. Ltd.

..... Appellant

VERSUS

Sunita and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sachin Ohri, Advocate, for the appellant.

DEEPAK SIBAL, J. (ORAL)

Through the present appeal, the appellant-Insurance Company challenges the award dated 14.05.2018, passed by the Motor Accident Claims, Tribunal-II, Rewari (for short, the Tribunal).

Learned counsel for the appellant contends that the Tribunal has erred in calculating the income of the deceased by including washing allowance in the assessed income as also by granting interest @ 9% per annum on the assessed compensation. According to learned counsel for the appellant the washing allowance was personally paid to the deceased and therefore, should not had been included in the total emoluments being paid to the deceased and that the rate of interest so granted is on the higher side.

The Tribunal has assessed the income of the deceased on the basis of the salary slip produced and proved by PW-1 Abhay Kant Verma, Accountant of Exide Company where the deceased was serving. The cross-examination by the appellant of PW-1 could not yield any response from him which would show that the produced salary slip of the deceased did not reflect his true and correct salary. So far as the washing allowance is concerned, the record reveals that the same was being regularly disbursed to

the deceased and that in the salary slip the same was being included in the total emoluments being paid to the deceased. In the light of the evidence produced and proved in the present case, the same has rightly been considered as part of the deceased's salary. So far as the grant of rate of interest @ 9% per annum by the Tribunal is concerned, I find no perversity in the same, warranting any interference.

No other point was raised.

Dismissed.

10.08.2018
shamsher

[DEEPAK SIBAL]
JUDGE

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