

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

FAO No.657 of 2018

Date of Decision: 20.02.2018

HDFC Ergo General Insurance Company Ltd.

.....Appellant

Vs.

Hardeep Singh and Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sanjeev Goyal, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

The appellant/Insurance Company has come up in appeal against the Award of the learned MACT, SAS Nagar, Mohali, on the short ground that income of the deceased should not be taken as Rs.9000/-p.m. as notional income and reasonable deduction should be made on personal expenses of deceased.

On 28.07.2016, the deceased was going to Kurali from Kharar while sitting as pillion rider on scooter bearing registration No.CH-03C-1291 which was being driven by Gurpreet Singh in a right manner. When they reached near bus stand Kharar at about 12:30 p.m. a truck bearing registration No.HP-12-9428 came from behind at a very fast speed, which was being driven by the respondent-Balwinder Singh in a very rash and negligent manner and struck into the scooter of deceased, as a result, both the occupants of the scooter fell down on the road and suffered multiple injuries. They were taken to Civil Hospital Kharar, where Rabjeet Kaur succumbed to her injuries. An FIR Ex-7 has been registered with respect to this accident.

compensation has been assessed by the learned Tribunal as under:-

Sr.No.	Heads of compensation	Amount
1	Income	Rs.9,000/- Notional
2.	Annual income	Rs.9,000/- X 12= Rs.1,08,000/-
3.	Total loss of dependency after applying the multiplier	Rs.1,08,000/- X 13= Rs.14,04,000/-
4.	Funeral Expenses	Rs.25,000/-
	Total	Rs.14,29,000/-

Learned counsel for the appellant/insurance company has argued that a reasonable cut should be imposed on the income of the deceased as personal expenses and notional income has been fixed is on the higher side.

The Tribunal has held that the deceased was 46 years old and she was a housewife and while observing the housewife is something more than a mere a skilled worker and it would be unreasonable to underestimate the contribution of her as housewife. As such, his income has been fixed as Rs.9,000/- in view of the judgment in the case of **United India Insurance Company Limited Vs. Sube Singh and Others in FAO No.218 of 2014 decided on 15.01.2014 by this Court and** this decision was up-held by the Hon'ble Apex Court in **SLP No.14334 of 2014.**

So after going through the impugned Award of the learned Tribunal, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

20.02.2018
anil

Whether speaking/reasoned Yes/No

(RITU BAHRI)
JUDGE

20.02.2018
anil

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