

FAO No.2437 of 2019 (O&M)
Date of Decision: 10.09.2019

National Insurance Company Ltd.

.....Appellant

Versus

Aarti and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Sanjeev K.Arora, Advocate
for the appellant.**NIRMALJIT KAUR, J. (ORAL)**

The present appeal has been filed by the insurance company against the award dated 14.11.2018, passed by the Motor Accident Claims Tribunal, Panipat (for short, the Tribunal), vide which, compensation of Rs.18,84,400/- was awarded.

While praying for allowing the present appeal, learned counsel for the appellant/insurance company submitted that there is no eye witness, secondly the contributory negligence should have been fastened upon the insurance company of the Trola bearing registration No.PB-11-BN-6092 as it was parked on the middle of the road. Lastly, the father of the deceased is 48 years of age, therefore, cannot be said as dependent of the deceased.

Heard.

The first argument with respect to eye witness has no merit. Admittedly, the FIR was registered and the charge-sheet has also been filed, therefore, the same is sufficient for the purpose of the claim under the Motor Vehicles Act. The second argument with respect to the contributory negligence too has no merit as no such evidence is on record to show the

contributory negligence and the last argument that the father is not entitled and cannot be held to be a dependent is not disputed but it cannot be ignored that the father has lost his son, who would have been the only support and help in his old age. The deceased being 25 years of age would have definitely contributed to the income of the family comprising of widow, minor son and mother besides the father. Hence, no interference in the deduction of 1/4th is required.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

10.09.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No