IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2724 of 2019(O&M)
Date of Decision:29.05.2019

Shri Ram General Insurance Company

.................APPELLANT

Vs.

Sudesh and others

.................RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DR. RAVI RANJAN

Present: Mr.Rajbir Singh, Advocate for the appellant-Insurance Company.

****

DR. RAVI RANJAN, J.(Oral Judgment)

This Appeal is directed against the Judgment and Award dated 15.01.2019 passed by the Motor Accident Claims Tribunal-1, Gurugram (for brevity, 'the Tribunal') by which the claim petition filed by the claimants-respondents under Section 166 of the Motor Vehicle Act, 1988 has been allowed and the claimants have been found entitled for a sum of Rs.22,21,000/- by way of compensation on account of death of Devender Kumar, who was the husband of claimant No.1-Smt. Sudesh.

Only two issues have been raised by learned counsel for the appellant-Insurance Company at the time of hearing of this appeal.

First is regarding the deduction of income tax while calculating the loss of future income of the deceased. The Tribunal has placed reliance upon the Income Tax Return filed by the claimants, however, accordingly to the appellant, this should have been proved by the concerned Income Tax Officer or any responsible Officer from the Income Tax Department, which could not be done.

Secondly, since the widow was also working with the deceased/husband-Devender Kumar in the same canteen and now she is running the canteen after the death of her husband, she cannot be held to be dependent upon the deceased.

So far as the first issue is concerned, learned counsel for the appellant-Insurance Company has produced a copy of the Income Tax Return of the deceased filed by claimant No.1 for the assessment year 2016-17. It bears the seal of the Income Tax Department acknowledging its receipt. In such a situation, even if no income tax personnel has come forward to prove it, unless it is proved otherwise by leading evidence that it is a fraudulent document, there would be no question of not accepting it as the Income Tax Return filed by the deceased for the said assessment year in a summary proceeding which is in the nature of inquiry

Accordingly, the aforesaid issue raised on behalf of the appellant-Insurance Company is decided against it.

So far as second issue is concerned, nothing could be shown by learned counsel for the appellant-Insurance Company by producing the copy of the pleading or evidence led on its behalf or any specific question to that effect which was put to the claimants at the time of cross-examination, to prove that she was separately earning and was not dependent upon the deceased.

In such a situation, this limb of submission raised on behalf of the appellant-Insurance Company is also noted only to be rejected.

Since no other issue has been raised at the time of hearing, in my view, this appeal is not fit to be admitted being devoid of any merit.

Accordingly, this appeal is dismissed.

(DR. RAVI RANJAN)
JUDGE

29.05.2019
Anjal

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