

FAO No.5011 of 2019 (O&M)
Date of Decision: 17.10.2019

United Indian Insurance Company Ltd.

.....Appellant

Versus

Firoz and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Ashwani Talwar, Advocate with
Mr. S.K. Chatrath, Advocate
for the appellant.**NIRMALJIT KAUR, J. (ORAL)**

While praying for modification of the award dated 08.03.2019 passed by the Motor Accidents Claim Tribunal, Kurukshetra (for short, the Tribunal), whereby, the claimants have been awarded a compensation of Rs.22,20,400/-, learned counsel for the appellant raised only two arguments.

Firstly, the offending vehicle was not holding a valid and effective route permit at the time of accident. The said route permit was subject to authorization and the authorization report was never produced and the one that was placed on record is of the year 2017. Secondly, the income has been assessed by the Tribunal is on the higher side. There is no evidence that the income of the deceased was Rs.12,000/- per month as the only proof that has been placed on record is PAN card and Aadhar card but no Income Tax Return or salary slip etc. was placed on record.

The first argument of learned counsel for the appellant deserves to be rejected in view of the admitted position that copy of route permit of the offending vehicle was duly placed on record as Ex.R-3. No doubt, the same was subject to authorization but the authorization report too has been

FAO No.5011 of 2019 (O&M)

placed on record, which is Ex.R-5. Authorization report Ex.R-5 being of the year 2017 does not mean that earlier there was no authorization. It may be a periodical authorization, as even Ex.R-5 shows that it was valid uptil 09.11.2018.

The second argument too deserves to be rejected inasmuch as the deceased was admittedly the driver of the truck which met with an accident. Thus, it is evident that the deceased was a driver by profession. Accordingly, the income assessed at Rs.12,000/- per month of a driver of a commercial vehicle cannot be said to be on the higher side.

No other ground was raised.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

17.10.2019
sandeep

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