

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

(1) FAO No.56 of 2015 (O&M)
Date of Decision: 19.11.2019

The New India Assurance Company Ltd.

.....Appellant

Versus

Amarjit Kaur and others

.....Respondents

(2) FAO No.9473 of 2014

Amarjit Kaur and others

.....Appellants

Versus

The New India Assurance Company Limited and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. R.S. Madaan, Advocate
for the appellant in FAO-56-2015 and
for respondent No.1 in FAO-9473-2014.

Mr. B.S. Mann, Advocate
for the appellants in FAO-9473-2014 and
for respondent Nos.1 to 3 in FAO-56-2015.

Respondent No.4 in FAO-56-2015 and
respondent No.2 in FAO-9473-2014 ex-parte.

None for respondent No.5 in FAO-56-2015 and
for respondent No.3 in FAO-9473-2014.

NIRMALJIT KAUR, J. (ORAL)

Both the aforementioned appeals shall stand decided by this
common order as the award and issue is identical.

Appeal bearing FAO-56-2015 has been filed by the
appellant/insurance company for challenging the award dated 12.09.2014,
passed by the Motor Accident Claims Tribunal, SAS Nagar (Mohali) (for

FAO No.56 of 2015 (O&M) and another connected case

short, the Tribunal), on the question of quantum and appeal bearing FAO-9473-2014 has been filed by the appellants for enhancement.

Learned counsel for the appellant/insurance company states that the deceased was not earning anything but still, the Tribunal has proceeded to assess the income as Rs.10,000/- per month, whereas, the minimum wages existing at that point of time should have been taken into consideration, which at that point of time for graduate Accountant Clerk was fixed at Rs.4390/- per month. It is further stated that the future prospects should have been 40% instead of 50%.

There is no merit in the first argument with respect to the income. Admittedly, the age of the deceased was 21 years and he was studying in Computer Science and Engineering Course of Polytechnic in Shaheed Udham Singh Polytechnic College Tangori (Mohali) in third semester. The income assessed as Rs.10,000/- per month in the year 2010 cannot be said to be on the excessive side.

There is also no merit in the second argument with respect to grant of future prospects. The age of the deceased was 21 years and taking into account the qualification, there is no scope for reducing the future prospects at the rate of 50%.

Appeal bearing FAO-9473-2014 has been filed by the appellants for enhancement of compensation on the ground that in view of oral and documentary evidence on record, the income of deceased is assessed on the lower side. He was a brilliant student of Computer Science and Engineering and had a bright future and that insufficient amount has been awarded on account of medical expenses, funeral expenses and love

FAO No.56 of 2015 (O&M) and another connected case

insurance company, there is no scope for reducing the compensation and that the income has already been assessed appropriately, there is also no scope for enhancing any compensation.

Both the appeals are dismissed accordingly.

19.11.2019
sandeep

(NIRMALJIT KAUR)
JUDGE

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