

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

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FAO-7539-2015 (O&M)

Date of decision: 27.09.2019

SHRIRAM GENERAL INSURANCE CO LTD ... Appellant

Versus

GURPAL KAUR & ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Punit Jain, Advocate for the appellant.
Mr. PS Bawa, Advocate for respondents No.1 and 2.
None for respondent No.3.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 10.08.2015 passed by the Motor Accidents Claims Tribunal, SBS Nagar whereby compensation has been assessed on account of death of Satnam Singh that took place on 29.12.2010.

Counsel for the insurance company would inform that appeal has been filed to assail only quantum of compensation.

The Tribunal awarded Rs.36,12,780/-, detailed hereunder:-

Monthly income of the deceased	Rs.86,944/-
Multiplier	5
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.34,77,780/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-
Loss of love and affection	Rs.10,000/-

Counsel for the appellant would argue that the Tribunal has assessed income of the deceased by relying upon salary slips Exs.P2 to P7 purported to be issued by some company in England. He would further argue that these documents did not bear any stamp much less attested by a competent authority in England to prove its authenticity, therefore, the Tribunal has wrongly been relied upon the documents Exs.P2 to P7 for assessing monthly income of the deceased at Rs.86,944/-.

Counsel representing the respondents/claimants would state that assessment of compensation made by the Tribunal may be set aside and the matter be remitted to the Tribunal for making assessment afresh on the

basis of materials already on record and additional evidence to be adduced by the claimants to prove employment and income of the deceased while working in England.

Counsel for the insurance company has got no objection.

In view of the above, appeal is partly allowed and findings of the Tribunal on issue No.2 with regard to assessment of compensation are set aside. The matter is remitted to the Tribunal for deciding issue No.2 afresh on the basis of materials already on record and additional evidence, if any, to be adduced by the claimants to prove employment and income of the deceased and thereafter evidence in rebuttal to be adduced by the insurance company. In the meanwhile, the insurance company shall not be entitle to recover Rs.12 lakh already deposited with the Tribunal, in pursuance of order dated 06.11.2015 passed by this Court. Parties through their counsel are directed to appear before the Tribunal on 30.10.2019. The Tribunal shall complete reassessment of compensation within four months of parties putting in appearance. The other respondents before the Tribunal need not to be heard in the matter as insurance company alone had filed the appeal to assail quantum of compensation and insurance company has been directed to indemnify the insured by payment of compensation to the claimants.

Statutory amount of Rs.25,000/- be remitted to the Tribunal for payment to the claimants.

27.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No