

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-2753-2018 (O&M)

Date of decision: 21.08.2019

IFFCO TOKIO GENERAL INSURANCE CO. LTD ... Appellant

Versus

RUBY AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Swati Batra, Advocate for the appellant.
Mr. RC Gupta, Advocate for the claimants.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 08.02.2018 passed by the Motor Accidents Claims Tribunal, SAS Nagar-Mohali whereby compensation has been assessed on account of death of Abhay Singh @ Abhey Singh in a motor vehicular accident that took place on 27.10.2016.

The Tribunal awarded Rs.28,39,600/-, detailed hereunder:-

Monthly income of the deceased	Rs.13,000/-
Addition in income for future prospects	40%
Multiplier	17
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.27,84,600/-
Expenses on funeral	Rs.15,000/-
Loss of consortium	Rs.40,000/-

The sole submission made by counsel for the insurance company is that income of the deceased assessed by the Tribunal is on higher side and needs reduction.

Counsel representing the claimants, on the contrary, would argue that deceased was a driver on transport vehicle as he was driving Eicher canter when sustained injuries on the fateful day of 27.10.2016. It is further submitted that even the minimum wage of a highly skilled labour at the relevant time was more than Rs.10,000/- per month, therefore, income of the deceased assessed by the Tribunal may be affirmed.

Indisputably, the deceased was a driver of a transport vehicle at the relevant time. Taking into consideration the minimum wage of a highly skilled labour fixed by the State of Punjab coupled with that driver of a

transport vehicle has to stay away from his house for a number of days in a month, I do not find any reason to interfere in assessment of income of the deceased by the Tribunal. The other criteria adopted by the Tribunal for assessing loss of dependency is correct and affirmed.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed.

21.08.2019
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No