

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

F.A.O No. 5770 of 2018

Date of decision:- 16.10.2019

National Insurance Co. Ltd.

...Appellant

Versus

Nirmala Devi and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjeev K. Arora, Advocate for the appellant

Mr. Sudarshan Kumar, Advocate
for Ms. Anuj Balyan, Advocate for
respondent No. 1 to 3.

RITU BAHRI J. (Oral)

This appeal is by the insurance company disputing the liability foisted upon it by the Motor Accident Claims Tribunal, Jhajjar (for brevity, the tribunal'), vide its award/order dated 25.04.2018 whereby the appellant-Company (for short 'the appellant') was held liable to make the payment of compensation to the tune of Rs.20,41,110/- on account of death of Anil in a motor vehicular accident on 29.07.2017 when he was going to his village Kulasi situated towards Bahadurgarh via Nahra-nahri road for selling the milling on a motorcycle bearing registration No. HR-13C-4340. In the meantime, when he was passing through the Shani Mandir at village Kanonda, an offending vehicle bearing registration No. HR-63-C-4525 came from Bahadurgarh side being driven by respondent No. 1 at a very high speed and hit the motorcycle. Due to this Anil Kumar sustained multiple injuries on his body. He was rushed to Braham Shakti Sanjivni Hospital, Bahadurgarh where he succumbed to his injuries. F.I.R (Ex P9) was registered in this regard against respondent No.1.

Learned counsel for the appellant is not disputing the accident in question however, he has argued that the compensation awarded by the Tribunal is on the higher side, as the Tribunal has taken the income of the deceased at Rs.11000/- per month which is on higher side. No evidence regarding the income of the deceased was led by claimants.

This argument is liable to be rejected, as the accident in the present case taken place on 29.07.2017 and at that time minimum wages of highly skilled in State of Haryana was Rs. 10567/-. The deceased was having motorcycle when he met with an accident ,so his income has assessed at Rs.11000/- per month. Since the value of the rupee has come down drastically since the year 1992. Thus the income has rightly been taken at Rs. 11000/- per month

In view of the above fact, the present appeal is dismissed being devoid of any merit.

16.10.2019

G Arora

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No