

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

FAO-3009-2020(O&M)

Date of decision: 10.12.2020

New India Assurance Co.Ltd.

.....Appellant

Versus

Rajveer Singh and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.P.S.Saini, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

Insurance Company has filed the present appeal against the award passed by Motor Accidents Claim Tribunal, Karnal while allowing the claim petition filed by the respondents on account of death of Kuldeep, aged about 23 year, in a motor accident.

Learned counsel, for the appellant, contends that the income assessed by the learned tribunal at the rate of Rs.12000/-, per month is on the higher side. He further submits that the tribunal has erred in awarding interest at the rate of 9% per annum, from the date of claim petition, till its realization.

This Court has considered the submissions. It was pleaded in the claim petition that the deceased was working in Havells India Ltd. at its factory at Baddi, earning Rs.15,000/- per month. However, no evidence in support thereof was produced. Thus, the Court after appreciating evidence, assessed the income at Rs.12000/- per month.

This Court in FAO-2990-2020, decided on 8.12.2020, titled as 'IFFCO

TOKIO General Insurance Company Limited vs. Lalita Devi and others', has examined this issue in detail and has held that income of a worker/labourer, assessed by the tribunal at Rs.12000/- per month, is not excessive particularly when the accident and death took place in the year 2018. Further, the tribunal has awarded simple interest at the rate of 9% per annum. If compound rate of interest is calculated, it would come to much less than 9 % per annum.

Keeping in view the aforesaid facts and for the reasons recorded in FAO-2990-2020, decided on 08.12.2020, there is no ground to interfere.

Hence, dismissed.

10.12.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No