

120 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO-122-2021(O&M)  
Date of decision:17.02.2021

The New India Assurance Company Limited  
.....Appellant  
Versus  
Suman Rani and others  
.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Satpal Dhamija, Advocate for the appellant

ANIL KSHETARPAL, J.

The Insurance Company has filed this appeal assailing the correctness of the award dated 11.11.2020 passed by the Motor Accident Claims Tribunal, Barnala, (hereinafter referred to as the 'Tribunal'). Late Sh. Sharwan Kumar alias Sarban Khuhia, aged about 36 years, had died in a motor accident on 03.08.2018.

Learned counsel for the appellant submits that the Insurance Company is challenging the quantum of compensation awarded. Learned Tribunal has assessed the compensation in the following manner:-

|                         |                |
|-------------------------|----------------|
| Income (per month)      | Rs.12,000/-    |
| Add future income (40%) | Rs.4800/-      |
| Total                   | Rs.16,800/-    |
| Deduction               | Rs.4200/-      |
| Net                     | Rs.12600/-     |
| Multiplicand            | Rs.1,51,200/-  |
| Multiplier (15)         | Rs.22,68,000/- |
| Medical expenses        | N.A            |
| Loss to estate          | Rs.15000/-     |
| Lost of consortium      | Rs.40000/-     |
| Funeral expenses        | Rs.15000/-     |
| Total                   | Rs.23,38,000/- |

Learned counsel for the appellant submits that the claimants could not produce any documentary evidence to prove the income of the deceased. He further submits that no document with regard to the ownership of the Pick up (light commercial vehicle) RJ 13 GB 3373 was produced.

Learned counsel for the appellant was requested to read the cross-examination of PW2. However, he submits that he does not have a copy of the same.

In this case, in order to prove the income, PW2-widow of the deceased has appeared. She has stated that the deceased was owner and driver of the light commercial vehicle. She claimed that the deceased was earning Rs.20,000/- to Rs.25,000/- per month. The Tribunal held that in the absence of any documentary evidence, the deceased could be considered to be a skilled labourer. Thus, the court has assessed his income at Rs.12,000/- per month.

In the absence of any evidence to the contrary, the assessment made by the learned Tribunal does not suffer from any error, warranting interference by the Court in its appellate jurisdiction.

Hence, dismissed.

**17.02.2021**

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)**  
**JUDGE**