

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

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FAO-523-2021 (O&M)

Date of decision: 20.07.2021

THE NEW INDIA ASSURANCE COMPANY LTD. ..Appellant

Versus

NEELAM MASIH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vinod Chaudhri, Advocate for the appellant.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The insurer assails the correctness of the award passed by the Motor Accidents Claims Tribunal, Chandigarh, (in short 'the Tribunal') on 23.03.2021.

The Tribunal has awarded compensation of Rs.27,14,900/- to the claimant/injured.

Learned counsel representing the appellant contends that the Tribunal erred in assessing the income @ Rs.11,000/- per month. He submits that the respondent-claimant was working on contractual basis with Rotary and Blood Bank Society Resource Center located in Sector 37-A, Chandigarh, only for a limited period. He, hence, contends that the Tribunal has erred in assuming the income of the injured to be Rs.11,000/- per month.

The learned Tribunal has found that although, the appellant

failed to prove her income, however, she was in any case a home-maker. She

resides in Chandigarh along with her family. The accident took place on 10.06.2018. She suffered head injury resulting in paralysis. She is suffering from 50% permanent disability. The cost of living in Chandigarh is quite high. Thus, the income assessed by the learned Tribunal cannot be said to be excessive.

The next argument of the learned counsel for the appellant is with regard to the manner in which the accident took place. He contends that the scooter on which the injured was travelling with her daughter, wobbled and fell down on the road. The respondent suffered injuries on account of fall on the road .

On the request of the Court, learned counsel has read over the statement made by Ms. Neelam Masih. It is apparent from the aforesaid cross examination that the learned counsel did not cross examine the injured on this aspect of the matter.

Keeping in view of the aforesaid facts, no ground to interfere with the award passed by the Tribunal is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

20.07.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE