IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217 FAO-614-2021 (O&M)

Date of decision: 26.11.2021

SHRIRAM GENERAL INSURANCE COMPANY LTD...Appellant

Versus

NISHAN SINGH AND OTHERS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Kodan, Advocate for the appellant.
Mr. Ashwani Arora, Advocate for respondent No.1 and 2.

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ANIL KSHETARPAL, J (Oral)

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

The insurance company assails the correctness of the amount of compensation awarded on account of death of young boy (Surinder Singh) aged 21 years.

The Tribunal after assessing the monthly income of the deceased @ Rs.8200/- per month has assessed the total compensation at Rs.16,83,200/-

The only argument of learned counsel representing the appellant is to the effect that the Tribunal has erred in deducting 1/3rd of the amount on account of personal expenses. He submits that in view of the settled law in **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, the Hon'ble the Supreme Court has held that in case a bachelor dies in an automobile accident, the deduction on account of personal expenses shall be 50% and not 1/3rd.

Undoubtedly, the Hon'ble Supreme Court has held that in normal circumstances if a bachelor dies, the deduction should be 50%. However, this case poses a new challenge. Here is a case where the claim petition was filed by the father and disabled brother of the deceased. The mother of deceased Surinder Singh predeceased him. Thus, there are only 2 members left in the family. One of them is 70% disabled. Sh. Nishan Singh, father of the deceased was a labourer. The other son is disabled to the extent of 70%. Hence, it is claimed that the father is also unable to work for adequate hours, as he has to take care of his disabled son. Further, a labourer usually is not expected to spend 50% of his earning on himself particularly when there is a disabled child in the house.

Keeping in view the peculiar facts of the case, this Court does not find it appropriate to interfere with the assessment made by the Tribunal.

Dismissed.

All the pending miscellaneous application(s), if any, are also disposed of.

26.11.2021 **(ANIL KSHETARPAL)**
ashok **JUDGE**
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No