124 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2996-2021 (O&M)
Date of decision: 12.11.2021

United India Insurance Company Limited
....Appellant

Versus

Manjit Kaur and others
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitin Gupta, 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 Insurance Company assails the correctness of the award passed by the Motor Accident Claims Tribunal, Patiala, (hereinafter referred to as 'the Tribunal') while allowing the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, for grant of compensation on account of death of late Sh. Kaka Singh, on 22.03.2019, in an automobile accident. The Insurance Company only challenges the quantum of the compensation awarded. Learned counsel representing the appellant contends that the Tribunal has erred in relying upon the income tax return for the year 2015-16, particularly, when the accident took place on 22.03.2019. He submits that income tax returns for the subsequent years were never produced.

The claimants have filed a claim petition with the assertion that late Sh. Kaka Singh was working as a transporter apart from running Guruteg Bahadur Body Works, Patran. The claimants in support of their evidence produced income tax returns for the years 2014-15 and 2015-

16. As per the income tax return for the year 2015-16, the income of the deceased was Rs.2,47,670/- and in the absence of any other evidence, the Tribunal assessed the dependency on the basis of the aforesaid income, although, the claimants have claimed that the deceased was earning Rs.40,000/- per month. Learned counsel representing the appellant contends that the Tribunal has erred in relying upon the income tax return, which was filed 4 years before the date of death. He submits that the income of the deceased might have decreased or he might have stopped working. Learned counsel is addressing arguments on the basis of assumptions without any material on record. He has failed to draw the attention of the Court to any such material to prove his contention.

In view thereof, no ground to interfere is made out.

Hence, dismissed.

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

12.11.2021 **(ANIL KSHETARPAL)**
rekha **JUDGE**
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No