

**139(1) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-432-2022 (O&M)

Date of decision: 09.02.2022

New India Assurance Company Limited

....Appellant

Versus

Manish and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aseem Aggarwal, Advocate for the appellant

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 award passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the Tribunal') while awarding a sum of Rs.45,85,192/- on account of death of Ashwani Kumar. The manner in which the accident took place, the findings of rash and negligent driving of Hem Raj are not being challenged. Learned counsel representing the appellant contends that the Tribunal has erred in applying deduction of 1/4th towards self expenses from the income of the deceased. He contends that the deceased has left behind three dependents (old mother and two children) and therefore, 1/3rd deduction was required to be applied.

This Court has considered the submission. There were four family members including deceased-Ashwani Kumar himself. Thus, the court has deducted 1/4th of the income for self expenses while calculating the dependency of the three dependents. Therefore, the deduction of 1/4th share for personal expenses is not erroneous. Hence, no ground to

interfere is made out.

Dismissed.

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

09.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE