

In the High Court of Punjab and Haryana, at Chandigarh

F.A.O. No. 1180 of 2022 (O&M)

Date of Decision: 28.03.2022

Cholamandalam MS General Insurance Company Limited

... Appellant(s)

Versus

Ram Rati and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Nigam K. Bhardwaj, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The insurance company calls into question the correctness of the award dated 25.11.2021, passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as “the Tribunal”). The Tribunal has allowed the petition, filed under Section 166 of the Motor Vehicles Act, 1988, while assessing the compensation to the tune of ₹ 41,02,000/-, on account of the death of late Sh. Jaswant, a practicing Advocate in an automobile accident.

2. The learned counsel representing the appellant does not dispute the findings of fact with regard to the involvement of the offending vehicle bearing registration plate No. HR-47-D-2990 and the accident was a result of rash and negligent driving of Ravinder, the driver of the aforesaid vehicle. He submits that the income assessed by the Tribunal is on a higher side.

4. Late Sh. Jaswant, after getting license, started practicing as an Advocate in the Civil Courts at Kosli. The accident took place in the year

2019. The Tribunal, on appreciation of the evidence, has found that late

Sh.Jaswant was a regular practicing Advocate and had been appearing before the Civil Court at Kosli, regularly

5. The Tribunal has only assessed the income of the deceased at ₹ 20,000/- per month.

6. The learned counsel representing the appellant contends that in absence of corroboration either from the bank account statement or from the income-tax record, the Tribunal has erred in assessing the income of the deceased. The Tribunal has only assessed the income of the deceased @ ₹2,40,000/- per annum (₹20,000/- per month) in the year 2019. No income-tax was payable on the yearly income of ₹2,40,000/-. The Tribunal has recorded a specific finding that the deceased was a regular practicing Advocate, who used to regularly appear before the Civil Courts at Kosli, District Rewari. Hence, the assessment made by the Tribunal does not appear to be unreasonable. Consequently, the present appeal is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 28, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No