

In the High Court of Punjab and Haryana, at Chandigarh

F.A.O. No. 1003 of 2022 (O&M)

Date of Decision: 17.03.2022

New India Assurance Company Limited

... Appellant(s)

Versus

Sunita Devi and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Suman Jain, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The insurance company calls into question the correctness of the award dated 08.11.2021, passed by the Motor Accident Claims Tribunal, S.A.S. Nagar, Mohali (hereinafter referred to as “the Tribunal”), while allowing the claim petition, filed under Section 166 of the Motor Vehicles Act, 1988 by the respondent No.1 to 3, on account of the death of late Ratan Kumar alias Ratan Singh in an automobile accident on 30.09.2019. The Tribunal, after taking into consideration the fact that the deceased was drawing a monthly salary of ₹13,500/- at the time of his death and he was in employment of M/s Dhariwal Real Estate and Constructions Private Limited, granted 50% increase on the annual income while, also, keeping in view, the age of the deceased i.e. 39 years.

2. The only argument put forth by the learned counsel representing the appellant is that the deceased was not having a permanent job and, therefore, on account of increase of the income, the future prospects

were required to be added by 40% and not 50%.

3. The learned counsel representing the appellant has read over the evidence of the widow of the deceased as well as Sh.Madan Lal (the Supervisor of M/s Dhariwal Real Estate and Constructions Private Limited). It is evident that the learned counsel representing the insurance company did not question the witnesses in order to seek clarification with regard to the nature of employment of the deceased.

4. In the absence thereof, no ground to interfere in the award passed by the Tribunal, is made out. Consequently, the present appeal is dismissed.

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

(Anil Kshetarpal)
Judge

March 17, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No