

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO No.600 of 1992

Date of Decision : 21.09.2022

National Insurance Co. Ltd.

....Appellant

VERSUS

Gurdev Kaur & Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Shrenik Jain, Advocate for

Mr. Satish Jain, Advocate for the appellant.

Mr. Rajat Dogra, Advocate for

Mr. K.S. Brar, Advocate for respondent nos.1 and 2.

ALKA SARIN, J. (Oral)

The present appeal has been preferred by the Insurance Company against the award dated 02.01.1992 passed by the Motor Accident Claims Tribunal, Faridkot (hereinafter referred to as the 'Tribunal') awarding compensation of Rs.1,62,000/- to the claimants on account of death of Rajinder Singh (hereinafter referred to as the 'deceased').

The only ground raised by learned counsel for the appellant is *qua* the quantum of compensation and the factum of the accident is not in dispute.

Learned counsel for the appellant has contended that the age of the deceased was 22 years and he is stated to have been working as an employee of the Market Committee and drawing a salary of Rs.1656/- per month. It is, however, the contention that the employee of the Market Committee, while stepping into the witness-box as PW-3, had stated that it was the first month of employment of the deceased and that his employment

had not been regularized and, hence, the salary of the deceased has wrongly been assessed.

Heard.

Since the factum of the accident and the manner in which it took place is not in dispute, the facts are not being reproduced for the sake of brevity.

The only argument raised by learned counsel for the appellant is that the income of the deceased has been taken on the higher side. The said argument cannot be accepted inasmuch as it has duly been proved on the record by PW-3 that the deceased was an employee of the Market Committee and was serving in the grade of Rs.1200-2100 and he was to draw salary of Rs.1656/- per month. There is no evidence to the contrary showing any reason as to why the deceased would not draw the said salary. Merely because his appointment had not been regularized at that point of time it cannot be presumed that he would not have been regularized in future.

In view of the above, I do not find any ground in the present appeal to interfere with the award passed by the Tribunal. The present appeal is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.09.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO