

In the High Court of Punjab and Haryana, at Chandigarh

F.A.O. No. 1528 of 2020 (O&M)

Date of Decision: 23.05.2022

United India Insurance Company Limited

... Appellant(s)

Versus

Sukhwinder Kaur and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Nitin Gupta, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The insurance company assails the correctness of the award dated 14.11.2019, passed by the Motor Accident Claims Tribunal, Barnala.

2. Sh.Labh Singh, aged about 65 years, had lost his precious life in an automobile accident. The claimants, while filing the claim petition, asserted that Sh.Labh Singh used to assemble/manufacture the spare parts of a combine harvester, which were subsequently sold to M/s Standard Agricultural Works, Barnala. They claimed that Sh.Labh Singh was earning ₹ 65,000/- per month. In order to prove that fact, they produced a copy of the ledger account maintained by M/s Standard Agricultural Works, Barnala, which shows that the firm was regularly purchasing the spare parts of the combine harvester. It is evident that on 03.04.2017, the spare parts of the combine harvester for ₹41,500/- were purchased from Sh.Labh Singh by M/s Standard Agricultural Works, whereas on 20.06.2017 spare parts worth

₹50,500/- were purchased. It is also evident that on 11.01.2017, Sh.Labh

Singh had sold the spare parts worth ₹58,698/- to M/s Standard Agricultural Works, whereas on 31.01.2017, he had sold the spare parts worth ₹1,00,680/-. Similarly, on 07.03.2017, Sh.Labh Singh had sold the spare parts worth ₹54,300/-. Thus, Labh Singh was regularly selling the spare parts with a short duration in between, to the firm. The Tribunal has assessed the income of the deceased @ ₹20,000/- per month. The learned counsel representing the appellant contends that no income-tax return or the bank account of Sh.Labh Singh has been produced.

3. This Court has considered the submissions of the learned counsel representing the appellant. The claimants have substantiated their oral assertions by producing the ledger account of Sh.Labh Singh, maintained by M/s Standard Agricultural Works, Barnala. PW.2 Amandeep, an employee of M/s Standard Agricultural Works, has appeared in evidence and proved the aforesaid facts.

4. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present appeal is dismissed.

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

(Anil Kshetarpal)
Judge

May 23, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No