

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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FAO-1811-2022 (O&M)
Date of decision: 20.07.2022

Oriental Insurance Co. Ltd.Appellant

Versus

Sherry and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harsh Aggarwal, Advocate for the appellant.

MANJARI NEHRU KAUL, J. (ORAL)

The insurance company is impugning the award passed by learned Motor Accidents Claims Tribunal, Panchkula (for short, 'the Tribunal') vide judgment and decree dated 12.01.2022 wherein the following compensation was awarded to respondent No.1/claimant on account of death of Kangna Suri Verma in a motor vehicular accident which took place on 17.02.2020:-

Sr. No.	Head	Amount
1.	Annual Income	Rs.4,00,000/-
2.	Future Prospects (40%)	Rs.1,60,000/-
3.	Total Income	Rs.5,60,000/-
4.	Income Tax deducted	Rs.18,500/-
5.	Annual Income after deducing tax	Rs.5,41,500/-
6.	Deduction towards personal expenses (1/2)	Rs.2,70,750/-
7.	Dependency of the claimant	Rs.2,70,750/-
8.	Multiplier	17
9.	Compensation after applying multiplier	Rs.46,02,750/-
10.	Loss of consortium	Rs.44,000/-
11.	Loss of estate	Rs.16,500/-
12.	Funeral expenses	Rs.16,500/-
	Total compensation	Rs.46,79,750/-

Learned counsel for the appellant/insurance company has vehemently argued that the compensation awarded vide impugned judgment and decree wherein the entire liability was fastened upon the insurance company was illegal and thus liable to be set aside. It was submitted that in fact it was the deceased herself who was rash and negligent while riding her scooty and had hit the offending tractor-trolley. He further submitted that PW4 Hemant Sharma on the face of it was a planted witness which was evident from the fact that he failed to give a satisfactory account as to the manner in which the accident in question had taken place. It was submitted that the presence of PW4 Hemant Sharma at the spot was clearly in doubt as the FIR which was registered subsequent to the accident in question was against an unknown tractor-trolley. It was also submitted that the Tribunal had awarded an exorbitant amount of compensation by assessing the income of the deceased at Rs.4 lakhs per annum on CTC basis whereas it should have been on actual payment basis. Learned counsel submitted that the claimant was the husband of the deceased and himself earning a handsome salary, hence, should not have been taken as a dependent of the deceased.

I have heard learned counsel and perused the relevant material on record including the impugned judgment and decree.

The contention of the learned counsel qua PW4 Hemant Sharma being a planted witness is devoid of any merit. He was cross-examined at length, however, the appellant/insurance company failed to create any dent in his deposition. His presence at the relevant time of the accident and the place of accident cannot be disbelieved as

admittedly he is a Government contractor and had been allotted the work of fixing tiles on footpaths in Sectors 25, 26, 27 and 28 of Panchkula. He was returning home after work and was in close vicinity when he witnessed the accident. Still further, CCTV footage of the place of occurrence which was produced before the Tribunal corroborated the ocular testimony of PW4 Hemant Sharma.

Coming to the next contention of the learned counsel that the compensation awarded was excessive and deserved to be scaled down is also bereft of any merit. The deceased was a 27 years old lady, who was working with Mobile Programming India Pvt. Ltd. as IT Recruiter on a salary of Rs.4 lakhs. Enough evidence in the shape of salary bills etc. of the deceased was produced and proved before the Tribunal qua her salary of being Rs.33,335/- per month.

This Court, therefore, does not find any error in the impugned judgment and decree which is in consonance with the settled ratio of law as laid down in *National Insurance Co. Vs. Pranay Sethi : 2017 SCC 270; Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. : (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram and others, 2018(4) RCR (Civil) 333*.

Dismissed.

20.07.2022

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No