

In the High Court of Punjab and Haryana, at Chandigarh

F.A.O. No. 2939 of 2022 (O&M)

Date of Decision: 04.07.2022

Oriental Insurance Company Limited

... Appellant(s)

Versus

Geeta and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Akashdeep Singh, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The insurance company calls in question the correctness of the assessment of the compensation made by the Motor Accident Claims Tribunal, Bhiwani, on account of the death of late Sh.Pardeep, aged about 27 years, on 21.02.2018 in an automobile accident. The deceased was working as a Driver on a heavy duty vehicle. On deposition of the employer, the income of the deceased has been assessed @ ₹18,000 per month. He has left behind a widow, a minor child and aged parents.

2. The learned counsel representing the appellant contends that without any documentary evidence, the Tribunal has erred in placing reliance on a bald statement of the employer. He submits that he was an owner of only one truck.

3. This Court has considered the submissions. In an unorganized sector, the documentary evidence is normally not available. It is not in dispute that the employer was the owner of a truck. His evidence has been

found reliable by the Tribunal. Despite the lengthy cross-examination, his credibility could not be impeached. Such cases are required to be decided on the basis of preponderance of probabilities. In the absence of the court evidence to the contrary, this Court does not find it appropriate to interfere in exercise of its appellate jurisdiction.

4. In view of the aforesaid facts, the present appeal is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

July 04, 2022
“DK”

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