

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-74-2021 (O&M)

Reserved on : August 16, 2022

Date of pronouncement : September 30, 2022

United India Insurance Company Limited

...Appellant

Vs.

Charanjit Kaur and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Nitin Gupta, Advocate
for the appellant.

Mr. Abhishek Singla, Advocate
for respondents No.2 to 8.

Mr. Arun Gosain, Advocate
for respondent No.10.

ARVIND SINGH SANGWAN, J.

The instant appeal has been filed by the Insurance Company to set aside the impugned award dated 1.2.2020 passed by the Motor Accident Claims Tribunal, Bathinda.

Brief facts of the case are that the respondents-claimants filed the claim petition under Section 166 of the Motor Vehicles Act on account of death of their mother Gurdev Kaur, widow of Banta Singh in an accident, which was caused on 26.3.2017 due to the rash and negligent driving of truck No.PB-03A-3965 by respondent No.9-Shingara Singh.

Since the counsel for the appellant-Insurance Company has not challenged the findings on issue No.1 regarding the accident, which was caused due to the rash and negligent driving of respondent No.9,

the facts need not to be reproduced again as the primary challenge to the award is with regard to the quantum of compensation awarded to the claimants.

Counsel for the appellant has argued that under the issue No.4, it has come on record that deceased was aged about 70 years and, therefore, the multiplier of '5' should have been applied instead of '7', as has been applied by the Tribunal.

Counsel for the appellant has further submitted that though it has come in the statement of CW1-claimant-Harvinder Kaur that the deceased was earning Rs.20,000/- per month from knitting and stitching work, however, no documentary evidence is proved to show the annual income of the deceased. Counsel for the appellant has further argued that the Tribunal has wrongly relied upon the judgment of the Hon'ble Supreme Court in **Arun Kumar Aggarwal and another VS. NIC and others** as the facts of the said case are distinguishable. Therefore, the income of the deceased was wrongly assessed.

Counsel appearing for claimants-respondents has, however, argued that as per the statement of the complainant, it is proved on record that Gurdev Kaur was rendering valuable services towards the claimants and whenever she used to visit the house of her daughters, she would support them financially and, therefore, the contribution made by Gurdev Kaur deceased towards family of the claimants is rightly assessed by the Tribunal to be Rs.5,000/- per month.

Counsel for the claimants has further submitted that since the Tribunal has applied the multiplier of '7' in view of the judgment of the Hon'ble Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another**, 2009 (6) SCC 121, therefore, the amount of compensation has been rightly assessed by the Tribunal.

After hearing counsel for the parties, this Court finds no legality or infirmity in the impugned award passed by the Motor Accidents Claims Tribunal, Bathinda granting the compensation of Rs.4,35,000/- along with interest at the rate of 6% per annum by taking the income of the deceased as Rs.5,000/- per month and by applying the multiplier of '7'.

Dismissed.

September 30,2022
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No