

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-6644-2016 (O&M)
Date of decision: 11.07.2022

United India Insurance Co. Ltd.

... Appellant

Vs.

Laksh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashwani Talwar, Advocate
for the appellant.

ARVIND SINGH SANGWAN, J. (ORAL)

This appeal has been filed by the Insurance Company challenging the award dated 10.08.2016 passed by the Motor Accident Claims Tribunal, SAS Nagar (Mohali), vide which respondent No.1 Laksh (unconscious), aged about 15 years, was awarded a compensation of Rs.44.00 lacs (rupees forty four lacs) along with interest @6% per annum from the date of filing of the petition till its realization, which would increase upto 9%, if not deposited within two months.

The operative part of the award passed by the MACT reads as under: -

“In view of the discussion made by, petitioner is entitled to

compensation under the following heads:-

	<i>INJURY CASE</i>	
	<i>Age</i>	<i>Above 15 years</i>
	<i>Occupation and income (notional)</i>	<i>Student, Rs.10,000/-</i>
<i>Sr. No.</i>	<i>Head of claim</i>	
<i>1.</i>	<i>Loss of future income</i>	<i>Rs.21,60,000/-</i>
<i>2.</i>	<i>Physiotherapy charges</i>	<i>Rs.2,00,000/-</i>
<i>3.</i>	<i>Attendant charges</i>	<i>Rs.8,64,000/-</i>
<i>4.</i>	<i>Loss of marriage prospects</i>	<i>Rs.2,00,000/-</i>
<i>5.</i>	<i>Transportation expenses</i>	<i>Rs.1,00,000/-</i>
<i>6.</i>	<i>Special diet charges</i>	<i>Rs.1,00,000/-</i>
<i>7.</i>	<i>Pain & suffering</i>	<i>Rs.2,00,000/-</i>
<i>8.</i>	<i>Total</i>	<i>Rs.43,99,280/- (rounded off to Rs.44,00,000/- ”</i>

Learned counsel for the appellant has raised only one argument that the Tribunal has taken notional income of the insured/claimant to be Rs.10,000/- per month, which is on higher side.

However, a perusal of the award shows that the Tribunal, while assessing the income, took into consideration that insured/claimant is a student of Class 10th, aged about 15 years and due to grievous injury sustained by him, he remained in coma for a considerable long time and suffered 100% disability.

The Tribunal further recorded a finding that claimant was studying in Class 10th and as per result cards placed on record as Ex.C5 and Ex.C6, he is a very good student and was actively participating in the various activities and he was also active in co-curricular activities. It is further observed that a brilliant student/claimant had a bright future and he has to support his family financially, therefore, income was assessed @Rs.10,000/- per month.

After hearing learned counsel for the parties and considering the evidence, which has come on record, I find no merit in the present appeal and the same is dismissed.

11.07.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No