

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-513 of 2022(O&M)
Date of decision:17.02.2022

National Insurance Company Ltd.

...Appellant

Versus

Manju and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Suri, Advocate, for the appellant.

ANIL KSHETARPAL, J (Oral)

The Insurance Company assails the correctness of the award passed by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal'), while allowing the claim petition filed under Section 166 and 140 of the Motor Vehicle Act, 1988.

The Tribunal has allowed the claim petition while awarding a sum of Rs.44,63,818/- along with the interest @ 7.5% from the date of filing of the petition till its realization, on account of death of late Sh. Ravinder son of Raj Singh in automobile accident, on 30.09.2020.

The learned counsel representing the appellant does not question the findings of the Tribunal with regard to the accident, involvement of the vehicles and findings of the Tribunal with regard to the rash and negligent driving. The learned counsel representing the appellant has assailed its correctness, however, at the time of the arguments, the learned counsel did not press the aforesaid grounds. He further contends that the deceased was an employee of M/s Varun Beverages and was getting some amount towards incentives. He submitted that such incentives are variable and are dependent on the performance. Hence, he submits that it

was not appropriate for the Tribunal to assess the dependency by including the aforesaid amount. The learned counsel representing the appellant contends that the Court has made an addition of 50% towards increase in the income on account of future prospects which should be 40%.

On a Court question, the learned counsel representing the Insurance Company admits that the aforesaid amount which is paid as an incentive is available in the hands of the deceased as well as his family. In a private sector, the employers do paid certain additional amount which is proportionately connected with the performance of the employee. Such amount is paid to the employee and as such used it for the benefit of the family. In the present case, the deceased was, no doubt, working with M/s Varun Beverages which is doing job work on behalf of Pepsi Company.

A young man of 32 years has lost his life in an automobile accident while leaving behind a widow, two minor children and aged parents.

As already noticed, the deceased was young man, having permanent regular job for 11 years.

This Bench has carefully read the award passed by the Tribunal and is of the considered opinion that no interference in exercise of its appellate jurisdiction is required.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 17, 2022
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(ANIL KSHETARPAL)
JUDGE

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