

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

115

FAO-5163-2022 (O&M)
Date of decision: 08.12.2022

UNITED INDIA INSURANCE CO. LTD.

..Appellant (s)

Versus

MONA DEVI AND OTHRES

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. SS Sidhu, Advocate for the appellant.

NIDHI GUPTA, J (Oral)

Two contentions have been raised by the learned counsel for the appellant. The first one is that quantum of compensation to the tune of Rs.8,67,000/- awarded by the Tribunal is on higher side, and the second one is that postmortem of the deceased of 10 year old is not on record to show that she had died due to injuries suffered in the road accident. Learned counsel submits that the Tribunal has taken the income of the deceased 10 years of age to be Rs.50,000/- per year which is on the higher side.

Learned counsel relied upon judgments of Hon'ble Supreme Court rendered in **Kishan Gopal and another vs. Lala and others, decided on 26.08.2013** and **Puttamma and others vs. K.L. Narayana Reddy and another, 2014(1) Recent Apex Judgments (RAJ) 1** whereby income was taken as Rs.15,000/- per year.

Heard.

While passing the impugned Award the Ld. Tribunal took into consideration all evidence on record including the testimony of PW1 Dr. Anil Goyal, who deposed that the deceased had suffered severe head injury and other injuries in the road accident in question which were

the cause of death. Further, appellant can derive no benefit from abovesaid judgments as facts of relied upon cases are different from the present case. In the relied upon cases, accident was of the year 1992/1999 whereas in the present case accident is of 2019.

Accordingly, I find no error in the reasoning given by the Tribunal.

Dismissed.

08.12.2022
ashok

(NIDHI GUPTA)
JUDGE

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