

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

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FAO-578-2023 (O&M)

Date of decision : 01.02.2023

The Oriental Insurance Company Limited

... Appellant

Versus

Nirmala Devi and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ram Avtar, Advocate for the appellant.

Anupinder Singh Grewal, J. (Oral)

The appellant/Insurance Company has challenged the award of the Motor Accident Claims Tribunal (for short, 'the Tribunal') dated 20.09.2022 in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the MV Act') on account of death of Jagdish Lal.

Learned counsel for the appellant submits that the Tribunal has erred in treating the income of the deceased as Rs.20,000/- per month although there was no documentary evidence in support thereof. The deceased was stated to be an agriculturist but his family holding is only 3 acres which were tilled by his father and brother as well. There is also no evidence of the deceased owning milch animals.

Heard.

The deceased, who was stated to be 29 years of age, had expired in a road accident. The claimants had produced the registration certificate of a tractor as Ex.C3 which was in the name of the deceased. He also owned a Honda Activa which was registered in his name. The agreements for cultivation of land (Ex.C6 and Ex.C7) had also been placed on record indicating that the

deceased had taken the land on rent. The jamabandi for the year 2014-15 showing the father of the deceased as a co-sharer to the extent of 1/3rd in the land measuring 23 kanals 9 marlas along with J-forms indicating the sale of agricultural crops had been placed on record as Ex.C8 and Ex.C9 respectively. The younger brother of the deceased-Pawan Kumar is stated to be physically challenged and disability certificate (Ex.C18) had also been placed on record. It was also stated that the deceased was having 8-10 buffaloes and would sell milk to augment his firm income. The respondents/claimants had claimed that the deceased was earning Rs.60,000-70,000/- per month but the trial Court had held his income to be not less than Rs.20,000/- per month. In the wake of the aforementioned evidence of the deceased owning a tractor, selling crops and J-forms etc., the income of deceased-Jagdish Lal assessed by the trial Court as Rs.20,000/- per month cannot be said to be either excessive or on the higher side.

Consequently, I do not find any merit in this appeal which stands dismissed.

Pending application, if any, shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

February 01, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No