

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

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**CM-3026-CII-2023 in/and
FAO No.789 of 2023 (O&M)
DATE OF DECISION : 16th FEBRUARY, 2023**

United India Insurance Co. Ltd.

.... Appellant

Versus

Manpreet Kaur and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Harsh Aggarwal, Advocate
for the appellant.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

CM-3026-CII-2023

This is an application for condonation of delay of 14 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. The delay in filing the appeal is condoned.

Main Appeal

The present appeal has been filed by the appellant-Insurance Company against the award dated 12.09.2022 passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short, the Tribunal), whereby an amount of ₹13,70,000/- along with interest has been awarded as compensation to the claimants on account of death of Karam Singh @ Karam Chand @ Lakha.

The facts, in brief, as mentioned in the claim petition are; that on 18.02.2017 Karam Singh @ Karam Chand @ Lakha and his younger brother Jasbir Singh were coming back from Gurudwara Sahib of village Tangori to their house at village Tangori, District SAS Nagar Mohali on foot. Karam Singh @ Karam Chand @ Lakha was walking ahead in katcha portion of the road on his correct left hand side and his brother Jasbir Singh followed him at some distance. At about 7.00 p.m., a truck bearing registration No.PB-11-AT-8985, being driven by respondent No.1-Balkar Singh in a rash and negligent manner and without following traffic rules and at a high speed; came from behind and stuck against Karam Singh @ Karam Chand @ Lakha. As a result, Karam Singh @ Karam Chand @ Lakha suffered multiple grievous injuries. Jasbir Singh shifted his injured brother Karam Singh @ Karam Chand @ Lakha to GMCH, Sector-32, Chandigarh; where he died on the same night. In that regard, the matter was also reported to the police. Accordingly, an FIR No.32 dated 19.02.2017 was also registered regarding the accident.

With these facts, the claim petition was filed by the claimants, who are the daughters of the deceased; asserting therein that Karam Singh @ Karam Chand @ Lakha was aged about 40 years. He was working as a mason and was earning about ₹21,000/- per month. They were fully dependant on the income of the deceased. Moreover, they spent an amount of ₹75,000/- on transportation of dead body, funeral and last rites of the deceased. Accordingly they raised a claim of ₹40.00 Lakhs as compensation; along with interest thereon.

To substantiate their claim, the claimant herself examined as PW-1 and eye witness Jasbir Singh as PW-2. After assessing the evidence on file, the Tribunal assessed the income of the deceased as ₹9,000/- per month. Deduction of 2/3rd is applied keeping in view the number of dependents. The age of the deceased is taken as 45 years as per the post-mortem report. Accordingly, the multiplier of 14 is applied. Benefit of future prospects of the deceased has been granted at the rate of 25% on the assessed income. Beside this, an amount of ₹1,10,000/- is awarded under the conventional heads. Accordingly, a total amount of ₹13,70,000/- along with interest is awarded as compensation.

Arguing the case, learned counsel for the appellant has submitted that the driver of the alleged offending vehicle was not having a valid and effective driving licence on the date of accident. To support his argument, the counsel has submitted that RW-1 Rohit Sharma, Data Entry Operator, Office of RTA, Patiala was examined as a witness, who in his examination-in-chief submitted that the driving licence of the driver of the offending vehicle was issued on 22.02.2007 for a transport, as well as, a non-transport vehicle, which was valid upto 21.02.2010 for transport. Thereafter, the licence was not renewed till 31.03.2017.

Having heard the counsel for the appellant and having perused the case file, this Court does not find any illegality or impropriety with the award passed by the Tribunal. The document Ex.R5, which is the driving licence in question; itself shows that the validity of the said licence for transport vehicle was upto 31.03.2017. That is the only finding recorded by the Tribunal. Hence, the argument of the counsel for the appellant does not have any force.

No other point was argued.

In view of the above, finding no merit in the present appeal,
the same is dismissed.

All pending miscellaneous application(s) stands disposed of
as such.

16th FEBRUARY, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>