

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

FAO-692-2023 (O&M)

Date of Decision : February 09, 2023

The New India Assurance Company Limited

.. Appellant

Versus

Asha Rani and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh K. Sharma, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present appeal, the challenge is to the Award dated 22.09.2022 passed by Motor Accident Claims Tribunal, Rupnagar by which, the income of the deceased was assessed at Rs.15,000/- per month.

Learned counsel for the appellant argues that the said assessment of the income of the deceased is on higher side, which has led to the wrong computation of the compensation as being claimed by the legal heirs of the deceased Dilpreet Singh.

Learned counsel for the appellant submits that nothing has come on record to show that Dilpreet Singh was working as a Driver and was drawing the salary of Rs.15,000/- per month and therefore, the Award of the Motor Accident Claims Tribunal, Rupnagar should be modified.

I have heard learned counsel for the appellant and have gone through the record with his able assistance.

It is a conceded position that the employer of the deceased Dilpreet Singh namely Gurdeep Singh had stepped into the witness box and had stated that Dilpreet Singh was employed with him as a Driver and he was giving him a salary of Rs.15,000/- per month.

Once, the said factum has already come on record, which has gone un-rebutted, assessing the income of deceased Dilpreet Singh as Rs.15,000/- by the Motor Accident Claims Tribunal, Rupnagar, cannot be stated to be either on a higher side or without there being any evidence on record. The strict rule of evidence do not apply in the cases related to the claim under the Motor Accident Claims Tribunal.

Keeping in view the above, the assessment of the income of deceased Dilpreet Singh as Rs.15,000/- per month cannot be treated either to be without evidence or on higher side.

No other argument was raised.

Keeping in view the above, no interference is called for by this Court in the present appeal and the appeal is accordingly dismissed.

The statutory amount which has been deposited while filing the present appeal be remitted to the Tribunal for disbursement to the claimants.

CM-2531-CII-2023

As the main appeal is dismissed, present application also stands dismissed.

February 09, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No