IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

113 **FAO-596-2023 (O&M)**
Date of decision : 02.02.2023

Reliance General Insurance Company Ltd. ... Appellant

Versus

Laxmi Yadav and others .. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sachin Ohri, Advocate for the appellant.

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Anupinder Singh Grewal, J. (Oral)

The appellant/Insurance Company has challenged the award of the Motor Accident Claims Tribunal (for short, 'the Tribunal') dated 04.11.2022 in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 on account of death of Ajay Kumar.

Learned counsel for the appellant submits that the deceased was stated to be working at a filling station and the salary slip, which had been produced by the claimants, was not genuine. He has also placed on record a copy of the salary slip at Annexure A-1 along with the appeal and submits that in the salary slip, the mode of payment has been mentioned as cash but the witnesses of the claimants, while deposing before the Tribunal, had stated that the deceased was being paid salary through bank transfer in his account. The statement of the bank account was also not produced by the claimants to indicate as to whether the salary was being paid.

Heard.

The only challenge in this appeal is towards the income of the deceased. The Tribunal, while awarding the compensation, has determined the income of the deceased as Rs.13,857/- in terms of the salary slip. Even assuming that there might be a discrepancy in the evidence of the claimants/witnesses who had stated that the deceased was being paid salary through transfer of the amount in his bank account but the mode of payment is cash as mentioned in the salary slip, would not be of much significance. It has come in the evidence of PW-3 Subhash Chander, Assistant Manager RC Filling Station that the deceased was getting salary of Rs.13,857/- per month. The salary slip and the salary statement for the month of August, 2020 had been produced on record. He had also stated that the deceased was working in the field of collection of payment. It is, thus, manifest that the deceased was working at the filling station and was deputed for collection of the payments. He has to be a person of trust and confidence for which a reasonable amount would be paid as salary. Therefore, the income of the deceased of Rs.13,857/- as assessed by the Tribunal cannot be said to be excessive or on the higher side.

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

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

However, a sum of Rs.25,000/- deposited by the appellant/Insurance Company before the Tribunal shall be disbursed to the claimants.

(ANUPINDER SINGH GREWAL)
JUDGE

February 02, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No