

2024:PHHC:128624



S. No.107

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

FAO No.6531 of 2023 (O&M)

Date of Decision:27.09.2024

SBI General Insurance Company Limited

.....Appellant

Vs.

Karamjit Kaur and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Mr. Satpal Dhamija, Advocate
for the appellant- Insurance Company.**

**Mr. Pankaj Mohan Kansal, Advocate
for respondents No.1 to 3- Caveators.
(Through Video Conferencing).**

DEEPAK GUPTA, J. (Oral)

The Insurance Company is in this appeal against the award dated 25.08.2023 passed by learned MACT, Chandigarh.

2. There are two-fold submissions made by learned counsel for the appellant. His first submission is that income of the deceased at ₹15,000/- per month as taken by the Tribunal is on the higher side. The next submission is that offending vehicle was a good's vehicle and it was not carrying a Fitness Certificate and, therefore, as per Section 56 of the Motor Vehicles Act, it is to be assumed that it was not having a valid Registration Certificate in the absence of the Fitness Certificate.

3. To the specific query put by this Court, learned counsel concedes that no such objection was taken before the Tribunal regarding non-validity of the Registration Certificate for want of Fitness Certificate. Learned counsel also concedes that even as per Section 147 of the Motor Vehicles Act, there is no such requirement so as to obtain a Fitness Certificate. In these circumstances, the contention of learned counsel is found to be not only beyond pleadings but also devoid of any merit.

4. As far as monthly income of the deceased is concerned, it is conceded that the deceased was 10+2 pass. He was 19 years of age. He was having good academic record. He was pursuing ILETS coaching and was planning to migrate to



Canada for his better future as has come in the testimony of claimant No.2 – Satpal Singh.

5. In the afore-said facts and circumstances, this Court does not find the notional income of the deceased at ₹15,000/- to be on the higher side.

6. As such, this Court does not find any merit in the present appeal and the same is dismissed.

September 27, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No