



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.6488 of 2023 (O&M)
Date of Decision: 17.05.2024

Liberty General Insurance Limited
...Appellant
Versus
Poonam & others
...Respondents

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vishal Aggarwal, Advocate,
for the appellant-Insurance Company.

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MEENAKSHI I. MEHTA, J. (ORAL)

Feeling aggrieved by the Award as handed down by learned Motor Accident Claims Tribunal, Jind (for short ‘the Tribunal’), whereby respondents No.1 to 3-claimants (here-in-after to be referred as ‘the claimants’) have been granted compensation to the tune of Rs.16,51,000/-, along-with interest @ 7.5% per annum from the date of institution of the Claim Petition till its realization, on account of the death of Rajbir, the husband of claimant No.1 and the father of claimants No.2 and 3, in a road accident, the appellant-Insurance Company (here-in-after to be referred as ‘the insurer’) has preferred the instant appeal to lay challenge to the same.

2. Shorn and short of unnecessary details, the facts, as emanating from the perusal of the file and resulting in the filing of the present appeal, are that the claimants filed a Claim Petition for seeking compensation of Rs.50,00,000/-, from respondents No.4 & 5, i.e respective driver and owner



as well as the insurer of the Car bearing Registration No.DL08-CAW-5097 (for short 'the offending Car'), while averring that on 12.06.2019, the afore-named deceased, along-with his son Navdeep, was going to Pilukhera Mandi on the motor-cycle having Registration No.HR-33D-7632 and when they reached near the Gurukul, the offending Car came there from Kalwa side and hit their motor-cycle and they sustained injuries in this accident and ultimately, Rajbir succumbed to his injuries. Respondents No.4 and 5 filed their joint written-statement and the insurer filed its separate written-statement and they contested the claim of the claimants therein, on various grounds. Then, the parties were put to the trial by framing the issues and after appreciating and evaluating the evidence, led by them on the record and hearing their counsel, the Tribunal allowed the above-referred Claim Petition vide the impugned Award and granted the compensation to the claimants, as already discussed in the opening para of this judgment.

3. I have heard learned counsel for the appellant-insurer in the instant appeal, at the preliminary stage and have also gone through the file carefully.

4. The sole contention, as raised by learned counsel for the insurer at the time of addressing the arguments in the present appeal, is that the Tribunal has gravely erred in assessing the monthly income of the deceased as Rs.15,500/- on the basis of some stray entries, as reflected in the statement of his bank account whereas, in fact, the deceased was not employed at any Petrol-Pump and was not getting the salary as claimed by the claimants and thus, the amount of compensation, worked out in view of the afore-claimed salary of the deceased, is highly excessive and therefore,



the impugned Award is liable to be modified, by way of considering the deceased as a casual worker and assessing his monthly income, as per the prevalent rate of minimum wages, as notified by the State Government and calculating the amount of compensation accordingly.

5. However, the above-raised contention does not hold any water because a bare perusal of Exhibit P-6, i.e the copy of the statement of the bank account of the deceased, reveals that several entries qua the credit of the afore-mentioned amount, as salary from RSKSK Filling Station, find mention in the same and the last such entry is shown to have been made on 24.04.2019 and the accident is stated to have taken place on 12.06.2019. In view of the above-referred document, it does not lie in the mouth of the insurer to contend that the Tribunal went wrong in assessing the monthly income of the deceased as Rs.15,500/-.

6. As a sequel to the fore-going discussion, it follows that the impugned Award does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the same is, hereby, upheld and the appeal in hand, being *sans* any merit, stands dismissed.

May 17, 2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No