(2014) 01 P&H CK 0025

In the Punjab And Haryana At Chandigarh

Case No : FAO-5144-2013 (O and M)

Oriental Insurance Co. Ltd. APPELLANT

Vs

Simarjit Kaur and Others RESPONDENT

Date of Decision : 14-01-2014

Acts Referred:

Citation : (2014) 01 P&H CK 0025

Hon'ble Judges : Jitendra Chauhan, J

Bench : Single Bench

Advocate : D.P. Gupta, for the Appellant;

Final Decision : Dismissed

Judgement

Jitendra Chauhan, J.—The present appeal has been filed by the Insurance Company assailing the award dated 22.7.2013, passed by the Motor Accident Claims Tribunal, Patiala (for short ''the Tribunal''), vide which, the Insurance Company has been held liable to pay the compensation to the tune of Rs. 10,53,000/- to the claimants, on account of death of Gulzar Singh in a motor vehicular accident. Learned counsel for the appellant contends that the learned Tribunal committed a grave error in awarding the compensation, and without there being any proof of income, the learned Tribunal assessed the income of the deceased at Rs. 4000/- per month and added 50% with regard to future prospects.

2. I have heard the learned counsel for the appellant and perused the case file.

3. It is admitted fact that the death of Gulzar Singh occurred in a motor vehicular accident. The loss of sole bread earner was a great shock to the family. He was the only bread earner of the family. He left behind five dependents i.e. wife, two minor children, and old parents. There is no proof of income, but the learned Tribunal keeping in view the age of the deceased assessed his income as Rs. 4000/- per month. In Rajesh and Others Vs. Rajbir Singh and Others, the Hon''ble Supreme Court has observed as under:

11. Since, the Court in Santosh Devi''s case (supra) actually intended to follow the principle in the case of salaried persons as laid in Sarla Verma''s case (supra) and to make it applicable also to the self employed and person on fixed wages, it is clarified that the increase in the case of those groups is not 30% always; it will also have a reference to the age. In other words, in the case of self employed or persons of fixed wages, in case, the deceased victim was below 40 years, there must be an addition of 50% to the actual income of the deceased while computing future prospects. Needless to say that the actual income should be income after paying the tax, if any. Addition should be 30% in case the deceased was in the age group of 40 to 50 years.

4. In the present case, the deceased was 30 years of age at the time of his death. He was working as an electrician and also had been doing dairy farming and agriculture work. He was thirty years of age at the time of his death. Therefore, the learned Tribunal has rightly added 50% increase with regard to future prospects.

5. No other point is raised. In view of the above, this Court finds no merits in the present appeal. Accordingly, the instant appeal is dismissed.

