



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal from Order No.401 of 2018

Reliance General Insurance Co. Ltd. -- Appellant

Versus

Smt. Salomi Chandra and others -- Respondents

Present:-

Mr. Pulak Aggarwal learned counsel for the appellant.

Mr. Bharat Singh, learned counsel for respondent nos.1 to 4.

Mr. D.C.S. Rawat, learned Senior Counsel assisted by Mr. Kamal Pandey, learned counsel for respondent nos. 6 to 8.

Hon'ble Siddhartha Sah, J. (Oral)

By means of this appeal filed under Section 173 of the Motor Vehicles Act, the insurer/appellant has assailed the judgment and order dated 06.07.2018 passed by the Motor Accident Claims Tribunal, Uttarkashi, in M.A.C.P. No. 30/2016, Smt. Salomi Devi and Others v. Ajay and Others, whereby an award of Rs. 56,44,104/- with interest @ 6% as compensation has been awarded by the learned Tribunal against the appellant.

2. Facts necessary for the adjudication of the present appeal are as follows:

- i. The claim petition was filed by the claimants/respondents herein under



Section 166 of the Motor Vehicles Act on account of the death of one Rajesh Chandra in an accident.

- ii. In the claim petition, it has been averred that the husband of claim petitioner no. 1 and father of claimant nos. 2 to 4, Rajesh Chandra, was travelling in a vehicle (Max) bearing registration number UK-10-TA-0086 and on 14.09.2016 at around 3:05 in the afternoon, coming towards Uttarkashi from Dehradun. As soon as the said vehicle reached near village Dolsi on Nagun-Bhavan Road, on account of the rash and negligent driving of the driver, the car fell into a deep gorge around 300 meters below the motor road and, consequently, Rajesh Chandra died in the accident on the spot. The First Information Report was lodged on 15th September, 2016, at Police Station Thatyur, District Tehri Garhwal; the inquest was conducted, and the post-mortem was also conducted. The deceased was aged 48 years on the date



of the accident, and he was serving on the post of Surveillance Inspector (Malaria) at Uttarkashi, drawing a monthly salary of Rs. 54,305/-.

- iii. After the exchange of pleadings and evidence by the impugned judgment and order dated 6th July, 2018, the learned Motor Accident Claims Tribunal, Uttarkashi, awarded compensation to the tune of Rs.56,44,104/- along with interest at the rate of 6% per annum.
- iv. On Issue No. 1, the learned Tribunal came to the conclusion that, from the evidence on record, it was proved that the accident occurred on account of the rash and negligent driving of the driver of vehicle number UK-10-TA-0086, and consequently, the occupant of the said vehicle, Rajesh Chandra, died on the spot.
- v. On Issue No. 2, the learned Tribunal came to the conclusion that the vehicle in



question was insured with defendant no. 3, Reliance General Insurance Company Limited, the driver was holding a valid and effective driving licence, and the documents of the vehicle were valid and effective.

- vi. On Issue No. 3, the learned Tribunal considered that the deceased was serving on the post of Surveillance Inspector (Malaria) in the Health Department, Uttarkashi, and was drawing a monthly salary of Rs.54,305/-. Based on that, and in view of the judgment of the Hon'ble Supreme Court in the case of National Insurance Co. Ltd. v. Pranay Sethi and Others, compensation was granted under other heads, and total compensation of Rs.56,44,104/- along with interest was directed to be paid.

3. The impugned judgment and order dated 6th July, 2018, has been assailed by the learned counsel for the insurer/appellant on the ground that the income of the deceased has not been properly assessed while



granting the compensation, and the compensation has been granted at a very high sum.

4. Per contra, learned counsel for the claimants/respondents, Mr. Bharat Singh, submitted that the salary slip had been brought on record on behalf of the claimants/respondents. In disposing of Issue No. 3, the learned Tribunal considered the salary slip (Paper No. 9 Ga-1) brought on record, in which the monthly salary of the deceased is reflected as Rs.54,305/-. Based on the said salary slip, the income of the deceased, who was serving on the post of Surveillance Inspector (Malaria) in the Health Department, Uttarkashi, has been duly proved.

5. Having considered the rival submissions of the learned counsel for the parties, the following point for determination arises for consideration in this appeal:

i. Whether the Tribunal has granted compensation to the claimants/respondents without properly considering the income of the deceased?

6. On one hand, the learned counsel for the insurer/appellant has contended that, while determining



the compensation, the income of the deceased has not been properly considered by the learned Tribunal.

7. Whereas, on the other hand, the learned counsel for the claimants/respondents would submit that, in disposing of Issue No. 3, the income of the deceased has been properly considered and dealt with by the learned Tribunal, and it has been duly recorded in the disposal of Issue No. 3 in Para No. 18 of the impugned judgment that the monthly salary of the deceased was reflected in the salary slip, being Paper No. 9 Ga-1, which has been brought on record, in which the monthly salary of the deceased has been shown as Rs.54,305/-.

8. It is also evident from the disposal of Issue No. 3 in Para No. 18 of the impugned judgment that, after taking into account the monthly salary of the deceased, due deductions have been made, and the per month income has been taken to be Rs.45,105/-. Based on the said net salary of Rs.45,105/-, the annual income of Rs.5,41,260/- has been determined by the learned Tribunal, and based on this figure, the final compensation amount has been determined.



9. The Court has perused the judgment dated 6th July, 2018, and, particularly, perused Para No. 18 in the disposal of Issue No. 3, wherein the learned Tribunal has considered the salary slip and also made the due deductions, and only thereafter has the compensation been determined. Therefore, the salary of the deceased has been duly considered by the learned Tribunal while granting the final compensation.

10. Therefore, the Court finds that the salary of the deceased has been properly taken into consideration by the learned Tribunal, and it has not committed any error in the computation or determination of the compensation. Hence, the Court does not find favour with the submissions advanced by the learned counsel for the insurer/appellant. Therefore, this point for determination is answered against the appellant.

11. In such view of the matter, no error is found in the impugned judgment and order dated 6th July, 2018, and the appeal lacks merit and deserves to be dismissed, and is dismissed accordingly.

12. The appellant/insurer is directed to remit the balance of the compensation amount to the learned



Tribunal within a period of 45 days from today. The Registry is also directed to remit the mandatory deposit to the Tribunal concerned forthwith.

13. The original record be transmitted to the concerned Tribunal.

(Siddhartha Sah, J.)

25.09.2026

BS