IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

F.A.O. No. 1524 of 2012 (O&M)
Date of decision : August 10, 2015

Reliance General Insurance Company Ltd.

... Appellant

vs.

Kanishka Arora and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tajinder K. Joshi, Advocate
for the appellant.
None for respondents.

Surinder Gupta, J

CM-6291-CII-2012

Learned counsel for applicant-appellant submits that due to procedural tangles in getting the final draft of grounds of appeal approved delay of 14 days in filing the instant appeal has occurred which was not intentional.

In view of submissions made by learned counsel for applicant-appellant, delay of 14 days in filing the appeal is condoned.

CM is allowed.

FAO-1524-2012 (O&M)

Reliance Insurance Company has filed this appeal against the award dated 14.11.2011 passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (herein referred as, "the Tribunal") whereby the claimants were allowed compensation of ₹37,52,280/- for the death of Ashish Arora who was husband of respondent No.1 Kanishka Arora @ Sapna Arora, father of respondent No. 2 Ishu Arora and son of respondent No.3-Smt.Leela Arora.

As per case of claimant, on 1.3.2010 deceased Ashish Arora was returning to Sri Ganga Nagar from Rishikesh in his car bearing registration No. DL2CG-4119 along with wife and son. At about 4.00 p.m., when he reached near the reliance petrol pump on Yamunagar-Jagadhri main road (fly over road), a car bearing registration No.CH04E-6815 (Tata

Indica) driven by Kuldeep Singh (respondent No.4) came at a very high speed from the opposite direction. It was being driven by respondent No.4 in a rash and negligent manner. He brought the car on the wrong side and hit the vehicle of Ashish Arora, who sustained multiple grievous injuries on his person particularly on his head, resulting in his death.

The claimant had pleaded that deceased was 29 years of age. He was bank employee and earning ₹20,000/- per month. For the injuries received by Isha Arora and Kanishka Arora, separate petitions were filed.

Heard.

The Tribunal on the basis of evidence held monthly salary of the deceased as ₹18,320/-. By adding 50% of the actual salary towards future prospective and applying the multiplier of 17, calculated the amount of compensation as ₹37,52,280/-. While calculating above amount, a sum of ₹10,000/- was allowed towards transportation of dead body and ₹5,000/- towards loss of consortium.

Learned counsel for appellant-Insurance Company has argued that the Tribunal wrongly applied the multiplier of 17. As per date of birth of deceased mentioned in his driving licence Mark-E placed on record, the age of deceased on the date of occurrence was 30 years and 10 days, as such, he was more than 30 years of age and the multiplier applicable was 16 as per observations in the case of ***Smt. Sarla Verma & others vs. Delhi Transport Corporation and another,*** *2009 (3) RCR (Civil) 77 (SC).*

The above contention of learned counsel for appellant-Insurance Company is without merits. Even if it be believed that the deceased had celebrated his 30th birthday a few days before his death, the Tribunal has rightly applied the multiplier of 17. The multiplier is applied just to calculate the appropriate amount of compensation. The mere fact that the deceased had crossed the age of 30 years a few days before his death, is no reason to put him in the bracket of multiplier used for the victim of accident in the age group of 31 to 35 years. This contention of learned counsel for appellant-Insurance Company is declined.

The other argument of learned counsel for appellant-Insurance Company is that the family pension which the wife of deceased is getting was not deducted from the total income of deceased calculated by the

Tribunal.

The above argument of learned counsel for appellant-Insurance Company also has no merits in view of the observations by Apex Court in the case of ***Lal Dei & Ors. vs. Himachal Road Transport,*** *(2007) 3 SCC (Crl.) 550* that amount of family pension given to the family cannot be deducted while calculating the dependency of the claimant.

No other point has been argued before me.

In view of my above discussion, I find no reason to interfere with the award of compensation passed by the Tribunal in this case.

This appeal has no merits.

Dismissed.

(Surinder Gupta)
Judge

August 10, 2015
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