

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3300 of 2012 (O&M)
Date of Decision:15.10.2015

Oriental Insurance Company Ltd.

....Appellant

Versus

Sarabjit Kaur and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Rohit Goswami, Advocate for
Mr. Vinod Chaudhari, Advocate for the appellant.

Mr. Ishan Cooner, Advocate for
Mr. J.S. Cooner, Advocate for respondent No.1.

NAVITA SINGH, J.

1. Insurance Company challenged the award dated 25.10.2011 passed by Motor Accidents Claims Tribunal, Tarn Taran (Tribunal for short), granting compensation to the tune of Rs.8,85,764/- to the claimant on account of death of her husband Charanjit Singh. The Company, without disputing its liability, challenged the award on quantum.

2. Counsel for the appellant argued that the date of birth of the deceased was 16.2.1964 and the accident took place on 9.6.2009. He had, therefore, crossed the age of 45 years and the multiplier should have been 13 and not 14 as applied by the Tribunal. This point is not disputed by the other party.

3. The deceased was earning Rs.10,426/- per month, half of which was to be deducted for personal expenses. The amount would, therefore, be Rs.5213/- for the widow and the compensation would be Rs.8,13,228/-. Earlier the compensation under this head was Rs.8,75,784/-. Since the compensation awarded under the conventional heads was on the lower side, though it was not challenged by the claimant, it is felt that instead of reducing the amount of

compensation on account of change in the multiplier, the remaining amount should be adjusted towards the conventional heads. It is, therefore, ordered that there shall be no change in the amount already awarded.

4. The appeal is disposed of in the above terms holding that the compensation payable by the appellant-Insurance Company shall remain the same for the reasons given above.

(NAVITA SINGH)
JUDGE

15.10.2015

Ishwar

Whether to be referred to reporter: No