IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5509 of 2015 (O&M)
Date of decision : 24.08.2015

The Oriental Insurance Company Ltd. .....Appellant

Versus

Sujata Verma and others ....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sanjiv Pabbi, Advocate
for the appellant.

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LISA GILL, J.

Sole ground raised in this appeal challenging the award dated 01.04.2015 passed by the learned Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as the 'Tribunal') is that split multiplier should have been applied by the Tribunal on the salary being received by the deceased at the time of his death.

Briefly stated, facts are that claim petition under Section 166 of the Motor Vehicle Act, 1988 had been filed by the claimants - respondents No. 1 to 4 claiming compensation on account of death of Dr. Rana Verma. As per the facts in the claim petition – claimant Vaishali Verma alongwith her father Dr. Rana Verma deceased were coming back on their car (Swift Desire) bearing registration No. PB-35-N-1100 from Faridkot to their home at Gurdaspur on 31.07.2013.

The car was driven by Dr. Rana Verma and when they passed Harike and were approaching bus stand, Marhana, near Sadhu Dhaba, a canter bearing registration No. PB-02-AR-9606 driven by respondent – Tarsem Singh in a rash and negligent manner and at a high speed hit their car as a result of which Dr. Rana Verma suffered fatal injuries. Accident was also witnessed by brother-in-law of the deceased. Dr. Rana Verma succumbed to his injuries at the spot.

Learned Tribunal on appreciation of the evidence on record held that the accident had been caused due to rash and negligent driving of the canter bearing registration No. PB-02-AR-9606 driven by respondent – Tarsem Singh. Compensation to the tune of ₹93,49,879/- has awarded on account of death. Deceased was admittedly a Doctor serving with the Punjab Health System Corporation, Gurdaspur as Deputy Medical Commissioner. Last Pay Certificate of the deceased Ex. C1 was duly proved on record and it was proved that his gross pay was ₹1,49,998/-. He was 53 years old. Income tax at the rate of 30% has been deducted by the Tribunal and total income of the deceased was taken to be ₹12,59,983/- per annum. Deduction of 1/3rd has been applied keeping in view the number of claimants. On account of loss of consortium ₹1,00,000/- and funeral and last rites expenses etc. ₹10,000/- was awarded. There is no challenge to the assessment except as mentioned above.

Learned counsel for the appellant vehemently argues that the deceased was 53 years at the time of death. He would have retired at the age of 58. Therefore, the Tribunal has grossly erred in not applying the split multiplier. He would definitely not have earned the same amount after his retirement. In this situation multiplier on the full salary beyond the said period is not justified.

I have heard learned counsel for the appellant. I do not find any infirmity, illegality or perversity with the assessment derived at by the Tribunal. It is an admitted fact that the deceased was a Doctor serving in Punjab Health System Corporation, Gurdaspur as Deputy Medical Commissioner. It is a matter of common knowledge that a doctor after retirement would not necessarily cease to practice his profession. It cannot be stated as a fact that the income of the deceased would have decreased after his retirement. Common practice is indeed otherwise. Reliance by the learned counsel on decision dated 11.12.2014 by this Court in ***Balbir Kaur versus Manjinder Singh and others*** is of no avail as the deceased in that case was a Beldar. There is no evidence on record which would justify application of a split multiplier in this case.

No other argument was raised.

In view of the facts and circumstances as above, learned counsel for the appellant is unable to point out any infirmity, illegality or perversity in the impugned award which would warrant interference by this Court. Statutory amount of ₹25,000/- be remitted to the Tribunal.

Consequently, this appeal is dismissed.

(Lisa Gill)
Judge

August 24, 2015
rts