IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.9363 of 2014 (O&M)
Date of Decision.11.12.2015

Shri Ram General Insurance Company Ltd. .....Appellant

Vs.

Smt. Shanti Devi and others .....Respondents

Present: Ms. Kaavya Jariyal, Advocate for
Mr. T.K. Joshi, Advocate
for the appellant.

Mr. Ashit Malik, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. With the consent of both the parties, the appeal itself is taken up for hearing.

2. Two points which are raised in appeal by the insurance company are that the choice of multiplier for claim by the mother was taken to be dependent on the age of the deceased who was younger to the claimant and not the age of the claimant. The counsel would rely on the judgment of the Supreme Court in ***National Insurance Company Ltd. Vs. Shyam Singh and others 2011(7) SCC 65*** which held that if an unmarried young man dies, the average age of the parents would be taken for determining the multiplier and not the age of the deceased. This law is not any longer good law in view of the decision of three member Bench of the Supreme Court in ***Munna Lal Jain and another***

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Vs. Vipin Kumar and others (2015) 6 SCC 347.

3. As regards the issue of whether the prospect of future increase must be provided, the counsel argues that the point has been referred to the larger bench by the judgment of the Supreme Court in ***National Insurance Company Limited Vs. Pushpa and others***. As far as this Court is concerned, there ought to be certainty and mere reference to a larger bench cannot fetter right of the Court to decide on what would be the appropriate prospect of future increase. Here was a case where the deceased was running a hotel and there is no reason for believing that the hotel business will be static. In a dynamic society where the hospitality industry is growing, there is sure prospect of expansion in all fields and in particular, in the area of hotel industry as well. The prospect of increase which was provided by the Tribunal must be, therefore, taken as appropriate and there is no justification for questioning the correctness of the decision taken on that basis. There is no merit in the appeal by the insurance company questioning the quantum where the Tribunal has assessed a compensation of ₹8,27,600/- for death of person aged 32 years and when the claimant was the parent. The value of the life of a human being in India who was earning cannot be less than the amount as determined by the Tribunal.

4. There is no justification for interference in the appeal. The award passed by the Tribunal is confirmed and the appeal is dismissed.

(K. KANNAN)
JUDGE

December 11, 2015
Pankaj*

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