

725.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.3824 of 2010 (O&M)

Date of decision:13.01.2016

National Insurance Company Limited

... Petitioner

versus

Smt. Nirmala and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.C. Kapoor, Advocate,
for the petitioner.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The petitioner has only an argument that the calculation in the compensation is wrong and if the correct reckoning is made by providing 30% increase for the income proved through the salary certificate, there will be still difference over ₹50,000/-. The Insurance Company must be thankful that the respondents are not here before this court with the cross objection for increase for that would occasion an award of even more than what has been granted by the Tribunal, if we must apply the scale of compensation

provided in **Rajesh Versus Rajbir Singh-2013(9) SCC 54** and the subsequent decisions which have adopted prodigious amounts for loss of consortium for wife and for loss of love and affection for the children. There is no assessment of loss of love and affection for the children in this case. The assessment to consortium has been ₹10,000/- only.

2. There is no merit in the revision. Revision petition is dismissed, for, the point urged, namely, of deduction for benefit obtained for compassionate assistance given by the court has been considered by a Division Bench of this court in the batch of **FAO No.1322 of 2010, decided on 21.12.2012-Reliance General Insurance Company Limited Versus Purnima and others.** The argument that the issue still is in consideration by the Supreme Court could hardly be a ground for keeping the issue open at the High Court level.

3. Revision petition is dismissed on the above terms.

(K.KANNAN)
JUDGE

13.01.2016
sanjeev