

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

FAO No.612 of 1997
Date of Decision.05.02.2016

United India Insurance Company LimitedAppellant

Vs.
Surjit Singh and othersRespondents

2. FAO No.613 of 1997

United India Insurance Company LimitedAppellant

Vs.
Surjit Singh and othersRespondents

3. FAO No.614 of 1997

United India Insurance Company LimitedAppellant

Vs.
Sohan Lal and othersRespondents

4. FAO No.615 of 1997

United India Insurance Company LimitedAppellant

Vs.
Rajinder Kumar alias Kalu and othersRespondents

5. FAO No.616 of 1997

United India Insurance Company LimitedAppellant

Vs.
Mandeep Kaur and othersRespondents

6. FAO No.2040 of 1997

Mandeep Kaur and othersAppellants

Vs.
Chamkaur Singh and othersRespondents

Present: Mr. Neeraj Khanna, Advocate and
Mr. Ravinder Arora, Advocate
for the appellants in FAO Nos.612 to 616 of 1997
and for the insurance company in FAO No.2040 of 1997.

Mr. Raman Goklaney, Advocate
for respondent No.2 in FAO Nos.612 and 613 of 1997.

Mr. Gopal Mittal, Advocate
for respondent No.2 in FAO No.2040 of 1997 and
for respondent No.4 in FAO Nos.612 to 616 of 1997.

Mr. R.S. Dadwal, Advocate for
Mr. Aman Chaudhary, Advocate
for the appellants in FAO No.2040 of 1997.

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?

-. -

K. KANNAN J. (ORAL)

1. The appeals in FAO Nos.612 to 616 of 1997 are at the instance of the insurance company that has denied its liability on the ground that the driver did not have a valid driving licence . The appeal in FAO No.2040 of 1997 is at the instance of the claimants seeking for enhancement of compensation.

2. It was a case of driving licence said to have been renewed after its expiry to take effect from 27.07.1993 to 26.07.1994. The accident had taken place on 14.09.1994 and attempt of the insurer was to show that it was a fake renewal to the original. The insurance company had placed on record an alleged verification certificate issued by the Superintendent of the DDO office to show that there was no renewal at the instance of the driver Chamkaur Singh.

3. At the time of trial, the insurance company sought to corroborate this evidence by seeking to examine the relevant original register and witness RW2 Ramesh Chand gave evidence with regard to the alleged correctness of the verification. He had stated that from the

record that he had brought, it was clear that there was no valid renewal at that time. Therefore, the verification report given by the Superintendent was correct. In the cross-examination he admitted that he had not brought the register containing the renewal of the driving licence for the year 1992-1993. The most crucial register ought to be the register for the year 1993, for that was the time when the licence was said to have been renewed on 27.07.1993. The Tribunal has observed that the evidence produced by the witness cannot support the plea that there had been no valid renewal. I affirm the finding as appropriately grounded by a reasoning and I will no reason for interfering with the same.

4. All appeals filed by the insurance company in FAO Nos.612 to 616 are dismissed.

5. In the appeal for enhancement of compensation in FAO No.2040 of 1997, the deceased was a Sub Inspector of Police aged 38 years. His salary was said to be ₹4333/- per month at that time. The claimants were widow and two children. I will make a provision for future prospect of increase at 50% and make a deduction of 1/3rd for personal expenses and apply a multiplier of 15, all of which conform to the directions given by the Supreme Court in Sarla Verma Vs. DTC 2009(6) SCC 121. I will also provide ₹1 lac for loss of consortium and turn down the claim for loss of love and affection for ₹50,000/- to each one of the children considering the fact that the accident had taken place in the year 1994 and the provision for interest itself will make it equivalent to the amounts which are now being assessed at ₹1 lac. I will tabulate all the heads of claim as under:-

FATAL ACCIDENTS			
Age	38 years		
Occupation	Sub Inspector in Police		
Claimants	Widow and 2 children		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income	4333	4333
2	Add, % of increase 50%		6499.5
3	Less, Deduction 1/3 rd		4333
4	Multiplicand (annualized by multiplying 12)	44700	51,996
5	Multiplier		15
6	Loss of dependence		7,79,940
7	Medical Expenses & Transportation		
8	Loss of Consortium		1,00,000
9	Loss of love and affection		1,00,000
10	Loss to estate		5,000
11	Funeral expenses		5,000
	Total	5,37,240	9,89,940

6. The amount payable as compensation shall be ₹9,89,940/- and the additional amount over what has already been provided by the Tribunal shall also attract interest @6% from the date of petition till the date of payment considering again the fact that the case has been disposed of in the year 1994 and I have applied the higher scales of compensation as are provided in the recent judgments of the Supreme Court. The amount shall be distributed equally between the widow and the children.

7. The award passed by the Tribunal stands modified and the appeal in FAO No.2040 of 1997 is allowed.

(K. KANNAN)
JUDGE

February 05, 2016
Pankaj*