959.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.413 of 2009 (O&M)
Date of decision:15.02.2016

National Insurance Company Limited ... Appellant

versus

Smt. Daya Kaur and others .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajneesh Malhotra, Advocate,
for the appellant.

Mr. Namit Gautam, Advocate,
for respondents 1 to 3.

K.Kannan, J. *(Oral)*

1. The appeal is by the Insurance Company on an issue of quantum and also to contend that the multiplier taken as 8 was not supported by any documentary proof. The accident had taken place on 25.04.2005. The deceased was said to be 59 years of age and he was drawing a pension at the time of his death. The Tribunal, while assessing compensation, took the income at ₹ 8,000/- being the pension received by him at the time of his death, applied a 1/3rd deduction and assessed a compensation of ₹5,22,064/-. The Insurance Company's plea is that 8 multiplier could not have been adopted.

2. Considering the fact that he was retired as a Superintendent in the government farm and after his retirement, he was said to have taken job as a Manager in Modern Poultry Farm, even in the absence of evidence, if the income taken at ₹ 8,000/- was high, the decision in ***Sarla Verma Versus Delhi Transport Corporation and another-2009(6) SCC 121*** provides for multiplier of 8 for a person aged between 56 to 60. In present dispensation, the widow being given as ₹ 1 lakh for loss of consortium and ₹1 lakh for loss of love and affection for each child. The overall compensation assessed at ₹5,22,064/- cannot be said to be high for intervention in appeal. The award is confirmed and the appeal is dismissed.

(K.KANNAN)
JUDGE

15.02.2016
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