

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

FAO-4877-2013 (O&M)
Date of Decision: 25.01.2016

Oriental Insurance Company Ltd.

...Appellant

Versus

Joginder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashwani Talwar, Advocate for the appellant.

Mr. Navin Batra, Advocate
for respondents No.1 to 3.

JITENDRA CHAUHAN, J. (Oral)

. This is Insurance Company's appeal challenging the impugned award dated 16.07.2013, passed by the learned Motor Accident Claims Tribunal, Rupnagar.

2. The learned counsel for the appellant contends that the deduction to the extent of 2/3rd is not sustainable in view of the fact that the learned Tribunal itself held that claimants No.2 & 3 are not entitled to any share in the compensation. Therefore, dependency taken as 2/3rd is liable to be modified as 1/2. He further submits that the multiplier applied on the basis of income of the deceased is also against the law laid down by the Hon'ble

Supreme Court in *OIC Vs. Saroj Devi, 2012 (1) PLR 761*.

3. On the other hand, the learned counsel for respondents No.1 to 3 states that the learned Tribunal has rightly awarded the compensation to the claimants.

4. I have heard the learned counsel for the parties and perused the case file.

5. The learned counsel for the appellant has failed to point out any circumstance which indicates that the deceased was not the sole bread earner of the family. The claimants No.2 & 3 are admittedly the sons of the deceased who have been deprived of love and affection of their father. The Act itself being a beneficial legislation, therefore, this Court feels that the learned Tribunal has rightly awarded the compensation to the claimants.

6. In view of the above, the present appeal being devoid of any merit, is hereby dismissed.

7. The statutory amount of Rs.25,000/-, deposited by the appellant-Insurance Company be placed at the disposal of the Tribunal for reimbursement.

25.01.2016

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**(JITENDRA CHAUHAN)
JUDGE**