

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

FAO No.5641 of 2016 (O&M)

Date of Decision.23.09.2016

The Oriental Insurance Company Limited

.....Appellant

Vs.

Bimla Devi and others

.....Respondents

Present: Mr. Satpal Dhamija, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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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AMIT RAWAL J. (ORAL)

C.M. No.19451-CII of 2016

For the reasons stated in the application, delay of 79 days in
refiling the appeal is condoned.

Application is allowed.

FAO No.5641 of 2016

The insurance company is against the impugned award passed
by the Tribunal whereby it awarded a compensation of ₹18,86,000/- for
death of a male aged 29 years. The claimants were none else but parents.

The counsel for the appellant-insurance company submits that
the Tribunal ought not to have taken into consideration the age factor of the
deceased who was 29 years of age but age of the parent should have been
taken and therefore, the multiplier should have been taken 13 instead of 17.

He further submits that the claimants have failed to prove any
documentary evidence regarding his avocation and therefore, the minimum

wages have to be taken into consideration. The deceased was said to be

engaged in profession of Pandit/Shashtri. The accident took place in May, 2015 and minimum wages @₹ 9000/- per month should have been taken. As regards the future prospects, he submits that the matter is pending consideration before the larger Bench of the Hon'ble Supreme Court and therefore, the future prospects should not have been granted.

I have heard learned counsel for the appellant, appraised the paper book and of the view that so long so question of future prospect is concerned, the future prospect is granted on the basis of judgment of the Hon'ble Supreme Court. Though the matter is pending before the Hon'ble Supreme Court, there is no stay of the judgments passed by the High Court on the basis of which the prospect of future increase is being granted. The Tribunal has taken into consideration income of the deceased as ₹12,000/- which is little higher than the minimum wages and prospect of future increase at 50% which, in my view, does not make much difference. The multiplier of the 17 has rightly been adopted by taking into consideration of the age of the deceased and not of the parents. Even the awarding of the interest @9% from the date of accident till realization and future interest @12% p.a., if the amount of compensation is not paid within three months, is justifiable. I do not think It would cause much loss on the exchequer of the insurance company.

I do not find any illegality and perversity in the award passed by the Tribunal. No ground for interference is made out. The appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 23, 2016
Pankaj*