IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.9101 of 2014 (O&M)
Date of decision: 18.02.2016

New India Assurance Co. Ltd. ... Appellant

versus

Parkash Chand and others .... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vinod Gupta, Advocate for the appellant.

K.Kannan, J. (ORAL)

This is a wasteful effort on the part of the Insurance Company to arrive at an appeal challenging the award to the brothers of the deceased. It will be wrong to assume that the dependency is only factor which is relevant for determining the compensation. Of the several heads, loss to estate is always relevant when the claim is by a person who is not dependant but who is a heir at law. In this case, the deceased was 50 years of age and his wife had already died. He had no issues. If he may have saved some money apart from his personal expenses that savings ought to go for a composition of an estate to which a brother as heir at law under Schedule 2 of the Hindu Succession Act. The benefit which the brother has obtained is a mere Rs. 4,93,000/-. A brother in Indian social condition is the next in the order of patriarchy to the father and a veritable head of the family. His death ought to mean a substantial loss to his younger brother and the compensation assessed ought not to be brought in a challenge by the insurer. Unfortunately, that is the effort which is made by the insurer before me. I decline to make an interference and dismiss the appeal.

(K.KANNAN)
JUDGE

18.02.2016
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