IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 831 of 2013 (O&M)
Date of Decision: December 08, 2017

Oriental Insurance Company Ltd.

...Appellant

Versus

Ram Kali and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Lalit Garg, Advocate
for the appellant.

Mr. Drupad Sangwan, Advocate
for Mr. Rose Gupta, Advocate
for respondent nos.1 & 2.

Appeal against respondents no.3 & 4 dismissed.

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ANITA CHAUDHRY, J.

The appeal as against respondents no.3 & 4 had been dismissed as the appellants had failed to file the correct address.

This appeal has been filed by the insurance company on the quantum allowed to the claimants.

Briefly put, Karamvir met with an accident on 23.12.2007. He was married and had a son. His wife is stated to have died and the claim petition was filed by the mother of the deceased and the minor son of Karamvir.

The Tribunal had taken the monthly income at Rs.5,000/- though it was pleaded that the deceased was a driver and earning Rs.6,500/- per month. An addition of 50% was made towards future prospects and after making a deduction towards personal expenses, a multiplier of 17 was applied and a compensation of Rs.10,75,000/- was allowed.

The submission on behalf of the appellant-insurance company is that the Tribunal had taken the minimum wages at a higher rate and even if the deceased was taken to be a driver and the minimum wages for highly skilled worker stood at Rs. 4,160/- per month. The counsel had also stated that the matter regarding addition of future prospects had been settled and in this case it would be 40% but the Tribunal had made addition of 50% and the amount allowed on the miscellaneous heads would be less and since the wife is not the claimant, no amount for loss of consortium could be granted.

Counsel appearing for the claimants supported the judgment.

The minimum wages stood at Rs.4,160/- per month for highly skilled worker. The Tribunal had taken a higher amount, therefore, the income will be taken as Rs.4,160/- per month and making an addition of 40%, the income would come to Rs.5,824/- per month. Making a deduction of 1/3rd, the amount available for the family would be Rs.3,883/- per month and the compensation would work out to Rs.3,883 x 12 x 17 = Rs.7,92,132/-. To this a sum of Rs.15,000/- should be added for loss of estate and Rs.15,000/- for funeral expenses and the total compensation payable would only be Rs.8,22,132/-. The award is modified. It would be paid in the same ratio as ordered by the Tribunal. The appeal is partly allowed.

A sum of Rs. 25,000/- would have been deposited by the insurance company. The same would be sent to the Executing Court and adjusted accordingly.

(ANITA CHAUDHRY)
JUDGE

December 08, 2017
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No