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

FAO No.2381 of 2018 (O&M)
Date of Decision.02.05.2018

United India Insurance Company Limited ......Appellant

Vs

Lachhmi and others .....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. D.P. Gupta, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

The present appeal has been preferred by the insurance company challenging the award of ₹14,05,800/- on account of death of one Avtar Singh, who died at the age of 17 years. The claimants are parents. He was stated to working with firm M/s Atma Ram Laxmi Narain, Shop No.117-A, Anaj Mandi, Fatehabad and earning ₹9000/- per month.

The Tribunal while assessing the compensation took the income of the deceased as ₹9000/- per month, provided 40% increase as future prospects, made a deduction of one half towards personal expenses and adopted a multiplier of 18 to assess the compensation as ₹14,05,800/- including ₹15,000/- each towards loss of estate and funeral expenses.

Mr. D.P. Gupta, learned counsel appearing on behalf of the appellant-insurance company submitted that the income taken as ₹9000/- per month on the basis of minimum wages provided by the State is on higher side as the minimum wages for a daily wager at the relevant time were ₹7976/- per month and the multiplier ought to have been applied on the age of the parents and not on the age of the deceased, thus, urges this

Court for modification of the award.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Gupta. The Tribunal while assessing the compensation has taken care all the heads of claim in view of the ratio decidendi culled out by Hon'ble Supreme Court in ***National Insurance Company Ltd. Vs. Pranay Sethi and another 2017 (13) SCALE 12*** wherein it has been held that the multiplier shall be applied on the age of the deceased and not on the age of the parents in the case of death of an unmarried person. As regards the income of the deceased, I am of the view that the income assessed as ₹9000/- per month is perfectly legal and justified.

In view of the aforementioned, I do not find any reason for interfering with the award passed by the Tribunal. The same is upheld and the appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 02, 2018
Pankaj*

Whether reasoned/speaking Yes
Whether reportable No