

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

FAO-2454-2018 (O&M)

Date of Decision:- 7.5.2018

Oriental Insurance Company Limited

... Appellant

Versus

Padma Rani and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ram Avtar, Advocate for the appellant.

GURVINDER SINGH GILL, J.

The Insurance Company has filed this appeal challenging award dated 15.1.2018 whereby on account of death of an unmarried girl aged about 22 years, her mother has been awarded compensation to the tune of ₹12,09,600/- while the claim of her father has been declined on the ground that he was a pensioner and not dependent upon deceased.

The learned counsel for the appellant has assailed the impugned judgment on the ground that the learned trial Court has erred in holding that the deceased was earning ₹8,000/- per month and has also erred in applying the multiplier of 18, by taking into account the age of deceased instead of taking into account the age of the claimant.

I have considered the aforesaid submissions as regards the income of the deceased. It has come on record that the deceased, aged 22 years was doing MCA. In these circumstances, in view of her educational qualification which she would have acquired, she would have surely been

able to find some gainful employment. As such, the income of the deceased as assessed @ ₹8,000/- per month cannot be said to be on the higher side. The Tribunal by taking the income to be ₹8,000/- per month has reduced the annual income by 50% on account of the fact that after her marriage she would not contribute a substantial amount to her mother. As such, I do not find any infirmity in the said findings regarding the assessment of the income and the dependency of the claimant-mother.

As regards the application of multiplier of 18, I find that the same is in tune with the dictum of Hon'ble Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another (2009) 6 SCC 121** and also in tune with decision rendered by Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi, 2017 ACJ 2700.**

In **Pranay Sethi's** case (Supra), it has been categorically held that while ascertaining the multiplier, the age of deceased has to taken into account. The multiplier of 18, as applied by the Tribunal is perfectly in tune with the settled principles as laid in **Sarla Verma's** case (supra). I do not find any error in the aforesaid computation of dependency by applying the multiplier of 18.

During the course of arguments the learned counsel for the appellant has submitted that the matter regarding application of multiplier by taking the age of the deceased is under consideration in Hon'ble Supreme Court in **Hem Raj Vs. Oriental Insurance Co. Ltd. And others 2017 (DNJ) 1102** and that in these circumstances it would not be appropriate to rely upon the judgment rendered in **Pranay Sethi's** case (supra).

I am unable to be agree with the aforesaid contention. It is the dictum of Hon'ble Supreme Court in **Pranay Sethi's** case (supra) which has

to be followed as there is no contrary view as on date.

No other argument has been raised or urged before this court.

In view of the aforesaid circumstances I do not find any merit in the appeal and the same is hereby dismissed.

May 7, 2018
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No