

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-.-

Date of decision: 20.09.2018

FAO No. 5864 of 2018 (O&M)

Oriental Insurance Company LimitedAppellant

Versus

Raj Devi and othersRespondents

FAO No. 5865 of 2018 (O&M)

Oriental Insurance Company LimitedAppellant

Versus

Mukesh and othersRespondents

FAO No. 5866 of 2018 (O&M)

Oriental Insurance Company LimitedAppellant

Versus

Sarla Rani and othersRespondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Ashwani Talwar, Advocate with
Mr. Akash Sridhar, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as these have emerged out of the same award dated 16.04.2018 passed by the Motor Accidents Claims Tribunal, Rohtak (in brevity, 'the Tribunal') whereby compensation has been assessed on account of death of Pretty, Ravi and Sunil in a motor vehicular accident that took place on 29.9.2017.

Counsel for the appellant - insurance company would inform

that the appeals have been preferred only to assail quantum of compensation assessed by the Tribunal. Counsel would argue that with regard to death of Pretty, Ravi and Sunil, the Tribunal has assessed income of each of the deceased at Rs.9,000.00 per month and applied multiplier of 18 on the basis of age of the deceased. It is argued that minimum wage at the relevant time was Rs.8,250.00 per month and accordingly, compensation assessed by the Tribunal needs to be reduced. Another submission made by counsel is that multiplier is liable to be applied on the basis of age of parents of the deceased viz-a-viz age of the deceased.

I have heard Counsel for the appellant and perused the paper books particularly the award.

With regard to death of Pretty aged about 22 years, application for compensation was filed by Raj Devi, his mother. The deceased was a student of B.A IInd year in Jat College, Rohtak. Taking into consideration, the minimum wage available at the relevant time coupled with educational qualification of the deceased, I do not find any reason to interfere in income assessed @ Rs.9,000.00 per month. Similarly, plea of the insurance company to assail income of deceased Ravi, a student of B.Sc. Third year and Sunil of 10+2 is not meritorious.

The contention of the appellant that multiplier is required to be applied on the basis of age of parents of the deceased as against age of the deceased is not tenable when examined in the light of judgments of Hon'ble the Supreme Court *Sarla Verma and others v. Delhi Transport Corporation and another* 2009(3) R.C.R. (Civil) 77, *Munna Lal Jain and another Vs. Vipin Kumar Sharma and others*, (2015) 6 SCC 347 and

***National Insurance Company Limited v. Pranay Sethi and others, 2017
SC 1270.***

No other point has been raised.

For the foregoing reasons, the appeals fail and are accordingly
dismissed in limine with no order as to costs.

As the appeals have been decided on merits, applications for
condonation of delay are of academic relevance.

(Rekha Mittal)
Judge

20.09.2018
mohan bimbira

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No