

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

**FAO No.1138 of 2020 (O&M)
DATE OF DECISION : 25.08.2022**

Bharti AXA General Insurance Company LimitedAppellant

Versus

Harpal Singh Randhawa and OthersRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sachin Ohri, Advocate for the appellant

..

ALKA SARIN, J. (Oral):

The only challenge in the present appeal to the award dated 25.11.2019 passed by the Motor Accident Claims Tribunal, Gurdaspur is on the ground that a split multiplier method ought to have been applied by the Tribunal while awarding the compensation to the claimants.

The facts of the case have not been disputed by learned counsel for the appellant-Insurance Company and hence are not being reproduced for the sake of brevity.

According to learned counsel for the appellant-Insurance Company, since the date of birth of the deceased was 04.04.1962 and she was to retire at the age of 58 years on 30.04.2020, the deceased was still left with three years' of service from the date of accident i.e. 30.12.2017 and hence while assessing the compensation split multiplier method should have been applied by the Tribunal.

Heard.

The only grievance of the appellant-Insurance Company in the present case is that determination of compensation in the present case ought to have been made after applying the split multiplier method. The deceased was left with about three years of service as on the date of accident. The Supreme Court in the case of **R. Valli & Ors. vs. Tamil Nadu State Transport Corporation Ltd. [2022 (1) RCR (Civil) 867]** has held as under :

“11. Thus, we find that the method of determination of compensation applying two multipliers is clearly erroneous and run counter to the judgment of this Court in Pranay Sethi, affirming the judgment in Sarla Verma. Since the deceased was 54 years of age on the date of incident, therefore, the suitable multiplier would be 11 as per the judgment of this Court in Sarla Verma approved by this Court in Pranay Sethi.”

Further, in the case of **N. Jayasree & Ors. vs. Cholamandalam MS General Insurance Company Ltd. [2021 (4) RCR (Civil) 642]** the Supreme Court, after considering the judgment in **Reshma Kumari & Ors. vs. Madan Mohan & Anr. [(2013) 9 SCC 65]** and in **K.R. Madhusudhan & Ors. vs. Administrative Officer & Anr. [(2011) 4 SCC 689]**, held as under :

“28. From the above discussion it is clear that at the time of calculation of the income, the Court has to consider the actual income of the deceased and addition should be made to take into account future prospects. Further, while the evidence in a given case may indicate a different percentage of increase, standardization of the addition for future prospects should be made to avoid different yardsticks being applied or different methods of calculation being adopted. In Pranay Sethi, the Constitution Bench has directed addition of 15% of the salary in case the deceased was between the age of 50 to 60 years as a thumb rule, where a deceased had a permanent job. In view of the above, the High Court was not justified in applying split multiplier in the instant case.”

Thus, in view of the law settled by the Supreme Court, the argument of the appellant cannot be accepted. No other point was argued. The appeal, which is devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.08.2022
parkash

(ALKA SARIN)
JUDGE

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
--