

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

FAO No.3482 of 2019 (O&M)
Date of decision : 12th October, 2022

New India Assurance Co. Ltd.

Versus

Sarabjit Kaur & others

... Appellant

... Respondents

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Paul S. Saini, Advocate for the appellant.

MANJARI NEHRU KAUL, J.

The instant appeal has been preferred by the Insurance Company to impugn the award passed by learned Motor Accident Claims Tribunal, Rupnagar dated 18.01.2019, wherein the following compensation was awarded to the respondent/claimants:-

Sr. No.	Head	Amount
1.	Loss of dependency	₹ 27,62,100/-
2.	Funeral expenses	₹ 15,000/-
3.	Loss of estate	₹ 15,000/-
4.	Loss of consortium to claimant No.1 (widow)	₹ 40,000/-
	Total	₹ 28,32,100/-

Learned counsel for the appellant/insurance company has primarily challenged the impugned award by urging that the deceased Rajinder Singh was 57 years of age on the date of accident in question. He was working as a Home Guard in Punjab Police and had less than a

year to retire, hence in the circumstances loss of salary, if any, to the deceased would have been only for a year and as a result the Tribunal should have applied a split multiplier while assessing the compensation payable to the claimants.

After hearing learned counsel appearing for the appellant/ insurance company, this Court does not find any merit in his submission that the Tribunal should have applied a split multiplier while assessing the compensation payable to the claimants. The said submission of the appellant insurance company is not in consonance with the law laid down by the Hon'ble Supreme Court in '**R. Valli & others vs. Tamil Nadu State Transport Corporation Ltd.**' 2022 (1) RCR (Civil) 867, wherein it was categorically held that the age of the deceased would have to be the only basis while applying the necessary multiplier. Hence, the assertion by the learned counsel for the appellant Company that since the deceased had only about a year to go for his retirement, split multiplier should have been applied, deserves to be rejected.

As a sequel to the above settled ratio of law, this Court does not find any error in the impugned award. The appeal being devoid of any merit stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

October 12, 2022

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No