

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

FAO-6334-2019 (O&M)
Reserved on : 04.07.2022
Date of Decision : 06.07.2022

The New India Assurance Company Ltd.

....Appellant

VERSUS

Amarjit Kaur & Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Radhika Suri, Senior Advocate with
Ms. Vralika Bassi, Advocate for the appellant.

ALKA SARIN, J.

CM-21429-CII-2019

For the reasons stated in the application, delay of 27 days in
filing the appeal is condoned.

CM stands disposed off.

FAO-6334-2019

The challenge in the present appeal by the appellant-Insurance
Company is to the limited extent that a split multiplier i.e. one multiplier
upto the date of retirement and another multiplier after the date of retirement
of the deceased ought to have been applied in the present case.

Learned Senior Counsel for the appellant-insurance company
would contend that the deceased was to retire after 8½ years and would get

half the amount of salary as pension and, as such, a split multiplier ought to have been applied in the present case.

Heard.

In the present case the claimants had filed a claim petition on the ground that on 18.09.2017 Jaswant Singh had died in an accident due to the rash and negligent driving of one Tipper bearing No.PB-08-BU-9774. The Tribunal, on the basis of the pleadings of the parties and evidence on the record, awarded a compensation of ₹59,43,595/- along with interest @ 6% per annum from the date of filing the petition till realization. One of the arguments raised by the appellant-insurance company before the Tribunal was that a split multiplier ought to have been applied which was rejected in view of the law laid down by the Hon'ble Supreme Court in the case of **“Puttamma & Ors. Vs. K.L. Narayana Reddy & Anr.”** [1 (2014) ACC 3 (SC)].

Recently in the case of **“R. Valli & Ors. Vs. Tamil Nadu State Transport Corporation Limited”** [(2022)5 SCC 107] the Hon'ble Supreme Court while dealing with the question whether a split multiplier ought to have been applied held the same to be impermissible. It was further 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.”*

No other argument has been raised by learned counsel for the
appellant-insurance company.

Keeping in view the law laid down by the Hon’ble Supreme
Court in the case of **R. Valli** (*supra*), I do not find any illegality and
infirmity in the award passed by the Tribunal and, hence, the present appeal
is accordingly dismissed. Pending applications, if any, also stand disposed
off.

06.07.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO