IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4335 of 2019 (O&M)
Reserved on : 22.08.2025
Date of Pronouncement :- 25.08.2025

National Insurance Co. Ltd. ...Appellant

Versus

Ravinder Kaur and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Gopal Mittal, Advocate for the appellant.

Dr. Sumati Jund, Advocate for respondents No. 1 to 5.

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VIRINDER AGGARWAL, J.

1. Claim petition filed by respondents No. 1 to 5 for claiming compensation on account of death of Satpal Singh was allowed by the Motor Accident Claims Tribunal, Rupnagar and a compensation of Rs.22,17,502/- along with interest at the rate of 12% per annum was awarded. Appellant Insurance Company has challenged the Award primarily on the grounds that monthly income of deceased has been wrongly taken by the Tribunal as Rs.13,635/- whereas the deceased was a casual worker and PW3, the alleged employer of deceased has admitted that the government rate for casual employment was Rs.312/- per day, so the Tribunal has erred in assessing monthly income of the deceased at Rs.13,635/-. Secondly, in the Aadhar Card produced on record by the claimants, the age of the deceased is 46 years and 09 months as he is shown to be born on 20.01.1972 and the learned Tribunal has applied multiplier of 14 instead of 13 by taking the age

of the deceased as 45 years on the basis of entry in the Post Mortem Report and the interest at excessive rate of 12% has been awarded.

2. Notice was served upon respondent-claimants, who appeared through counsel.

3. I have heard arguments made by learned counsel for the parties and gone through the paper book carefully.

4. As regards income of the deceased is concerned, this Court is of the considered opinion that the learned Tribunal has not committed any mistake in assessing the monthly income of the deceased at Rs.13,635/- as claimants has proved on record the salary slip Ex.P11 where gross monthly salary of the deceased for the month of September, 2018 is shown to be Rs.13,635/- and the record with regard to the salary of the deceased was produced as Ex.P9 to P11, the contention of learned counsel for the appellant that PW3 Sukhjit Singh, Labour Contractor was not maintaining the Attendance Register and has not produced appointment letter or salary Register and due to that reason his testimony be disbelieved. It is the case of the claimants that deceased was a temporary employee and it is the matter of common knowledge that such type of record of casual employment is generally not kept by the employers and the salary is generally paid in cash. So, there is ample evidence on record to consider the monthly income of the deceased at Rs.13,635/-. The Tribunal has not committed any mistake with regard to that.

5. As regards wrong application of multiplier is concerned, certainly the Tribunal has wrongly applied the multiplier of 14 instead of 13 as when a document like Aadhar Card where date of birth of the deceased is duly recorded and it is a matter of common knowledge that in the Aadhar

Card particulars are got incorporated by the person himself, whereas the age in Post Mortem Report is written by way of approximation, so considering that age of the deceased was 46 years and 09 months at the time of death, multiplier of 13 was required to be applied and calculation of the loss of dependency by applying the multiplier of 13 comes to Rs.19,94,109/- whereas the learned Tribunal has granted compensation of Rs.21,47,502/- on account of loss of dependency which is liable to be reduced to Rs.19,94,109/-. Besides this amount, the Tribunal has rightly awarded a sum of Rs.70,000/- under conventional Heads. As regards rate of interest is concerned, interest at the rate of 12% per annum is certainly on higher side as interest rates was hovering in the range of 7-8% per annum, so the same is reduced to 9% per annum.

6. Accordingly, the appeal filed by the Insurance Company is partly allowed and compensation payable to respondents No. 1 to 5 is reduced to Rs.20,65,000/- along with interest at the rate of 9% per annum from the date of filing of the claim petition till realisation on the same terms and conditions as was awarded by the Tribunal

7. Since the main appeal stands decided, the miscellaneous application(s), if any, stand disposed of accordingly.

(VIRINDER AGGARWAL)
JUDGE

25.08.2025
P.Singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No