(2011) 01 P&H CK 0102

In the Punjab And Haryana At Chandigarh

Case No : X-Objections No. 67 CII of 2010 and FAO No. 3045 of 2010

Bajaj Alliance General Insurance Co. Ltd. — APPELLANT

Vs

Malkeet Singh and Others — RESPONDENT

Date of Decision : 07-01-2011

Acts Referred:

Citation : (2011) 01 P&H CK 0102

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

K. Kannan, J.—The appeal is by the insurance company challenging the quantum of compensation awarded to the claimant who was son of the deceased. The deceased was 63 years of age, a pensioner and said to be homeopath. The deceased was living with his son and the claimant was 37 years old. A certificate of registered homeopath was produced in the Court and before the Tribunal the evidence was that he was earning Rs. 3000/-per month through his homeopathy practice and receiving Rs. 3129/-through his pension. The Tribunal took the yearly contribution to the family at Rs. 36,774/-and adopted a multiplier of 7 and determined the compensation of Rs. 2,62,418/-including Rs. 5000/-.

2. It is not possible to accept that there could have been any dependency on the son of his father especially when the father himself was living with the son and the son was adult making his own income. However, the provision for compensation under the scheme of the Act is not merely for dependence though it is one of the facts for consideration. Even an elderly father who has his source of income contributes to the family and there is definitely a loss to the estate arising from the death of the person. I would find that the deceased would have spent towards himself about Rs. 4000/-and contributed to his own estate to the tune of Rs. 2000/-per month. I would adopt a multiplier of 7 as taken by the Tribunal and that would mean the loss of the estate which the son would have been at Rs. 1,68,000/-. I would also add Rs. 5000/-as awarded by the Tribunal

towards the funeral expenses and find the amount payable at Rs. 1,73,000/-. This will also attract interest @ 7.5% from the date of petition till the date of payment. The appeal is allowed.

3. There are X-objections for enhancement. In the view that I have taken, the X-objections stand dismissed.

4. The amount which is deposited by the Appellant at the time of preferring an appeal shall be transmitted to the Tribunal and shall be permitted to be withdrawn by the claimants towards part satisfaction of the award.

