
(2014) 05 P&H CK 0652

In the Punjab And Haryana At Chandigarh

Case No : Cross-Objection No. 102 CII of 2014 and FAO No. 2161 of 2013
(O&M)

National Insurance Company Limited

APPELLANT

Vs

Asha Devi

RESPONDENT

Date of Decision : 28-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0652

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Vandana Malhotra, Advocate for the Appellant; Ashit Malik, Advocate for the Respondent

Final Decision : Dismissed

Judgement

K. Kannan, J.—The appeal is by the parents against the compensation assessed at Rs. 6,63,000/- to the parents for the death of a male aged 22 years. He was said to have been employed in a private company earning Rs. 3,600/- and earning also Rs. 4,000/- as EPF. The Tribunal took the income at Rs. 4,000/-, made a 50% deduction and applied a multiplier of 18, after also adding an additional amount of Rs. 15,000/- for loss to estate and funeral expenses.

2. The counsel for the insurance company would argue that the choice of the multiplier must have been made to depend only on the age of the younger of the two claimants, where they were parents and not the age of the deceased. The law has been in a state of flux and there are decisions either way from the Supreme Court itself. Till a clarity obtains through a proper interpretation that will secure a meaning to a multiplier which is a unit of years" purchase, there bound to be some divergent views. At least for the sake consistency, if the age of the deceased is taken in all situations where the income of the deceased is not very high where a contribution is taken as minimal, then the multiplier must be made to depend only on the age of the deceased. Schedule II itself is an example of how it takes only the age of the deceased as relevant where the

maximum income cannot be more than 40,000 rupees of the deceased. In this case, the contribution to the family at Rs. 2,000/- and choice of multiplier 18, in my view, is appropriate. I cannot, therefore, find any error as regards the choice of multiplier to subject the award to any lower sum.

3. In the cross-objection for enhancement of compensation, the argument is that the loss of love and affection must also be provided in the manner done by the Supreme Court in *Rajesh and Others Vs. Rajbir Singh and Others*, . The funeral expenses and the loss to estate has been awarded at Rs. 15,000/-, for which also there have some claims. In my view an additional amount of Rs. 75,000/- with interest will serve the ends of justice.

4. The appeal of the insurance company is dismissed. The cross-objections are allowed to provide an additional amount of Rs. 75,000/- with interest @ 7.5% per annum from the date of the petition till the date of payment.