(2011) 02 P&H CK 0158

In the Punjab And Haryana At Chandigarh

Case No : Cross Objection No. 52-CII of 1994 and FAO No. 646 of 1994 (O and M)

New India Insurance Company Limited — APPELLANT

Vs

Ram Ishwar and Others — RESPONDENT

Date of Decision : 22-02-2011

Acts Referred:

Citation : (2011) 02 P&H CK 0158

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K. Kannan, J.—The appeal is by the Insurance Company on a plea that the Tribunal had not relied on the report secured through the Investigator that the driver did not have a valid driving licence. A communication to an Investigator by the DTO cannot form the basis to hold that the driver was not duly licensed. The duty of the insurer must have been to secure the attendance of the witness from the licensing authority to speak about the genuineness or otherwise of the licence with reference to the original records. The rejection of the contention taken by the Insurance Company by the Tribunal was justified and I have no reason to interfere with the same to exonerate the Insurance Company.

2. There is also a cross objection at the instance of the claimants for enhancement of compensation for a person, aged 52 years, who was said to be making an earning by selling milk in village. The Tribunal took the income at Rs. 1,500/-and adopted a multiplier of 12. The choice of multiplier is even little higher than what is suggested by the Hon''ble Supreme Court in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, .

3. I do not find any material to subject the award for any enhancement.

4. The appeal by the insurer is dismissed and the cross objection is also dismissed.

