

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.116 OF 2007

Oriental Insurance Co. Ltd. Appellant(s)

VERSUS

Hemlata and Others Respondent(s)

O R D E R

Questioning the decision of the High Court holding that the appeal as filed is not sustainable, the Oriental Insurance Company Limited has filed the present appeal. Even if we accept that the appeal of the Insurance Company is maintainable, we are of the view that the amount awarded by the Tribunal cannot said to be either excessive or unreasonable.

It is relevant to point out that on the date of the accident, the deceased was aged about forty-three years and he was post-graduate, earning a sum of Rs.12,938/- per month. The same was supported by a certificate. Taking note of the fact that the claimants are widow, minor son and daughter, the Tribunal applied proper multiplier, namely, fifteen and after arriving at total compensation, deducted 1/3rd towards his personal expenses. As a matter of fact, the Tribunal has not awarded any other amount under other heads except pecuniary compensation. Taking note of all these aspects, we are of the view that the amount awarded by the Tribunal is acceptable and there is no merit in the appeal.

Accordingly, the appeal is dismissed.

(P. SATHASIVAM)

.....CJI.

.....J.
(G.S. SINGHVI)

.....J.
(RANJAN GOGOI)

New Delhi;
December 11, 2013.

ITEM NO.101

COURT NO.1

SECTION X

CIVIL APPEAL NO.116 OF 2007

ORIENTAL INSURANCE CO. LTD.

Appellant (s)

VERSUS

HEMLATA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 11/12/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE RANJAN GOGOI

For Appellant(s)

Mr. P.V. Yogeswaran, AOR

For Respondent(s)

Mrs Urmila Sirur, AOR

Mr. Nikhil Nayyar, AOR

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

|(Chetan Kumar)
|Court Master

| |(Savita Sainani)
| |Assistant Registrar

(Signed order is placed on the file)