

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1440 OF 2012
with
CAF/3309/2012

The Oriental Insurance Co. Ltd. ... Appellant

Vs.

Panchanan s/o. Nanda Gauda & Ors ... Respondents

Mr.A.S. Vidyarthi i/b S.S. Vidyarthi for the Appellant

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **30th SEPTEMBER, 2015**

P.C.:

1. In this First Appeal, the judgment and award passed by the MACT, Mumbai dated 21.2.2012 in MACP No.3055 of 2003 is challenged. The award is passed in a death claim filed by the parents of the deceased, who died in the car accident. He was a pedestrian and 18 years old.

2. On perusal of the appeal, it appears that the main ground of challenged raised by the insurance company is on the point of multiplier. The Member, MACT in para 23 of the impugned judgment has fixed the multiplier of 18. The learned Counsel for the Insurance Company has submitted that the multiplier should have been adopted on the basis of the age of the parents i.e., the applicants and not on the age of the deceased. However, in view of the judgment in the case of **Munna Lal jain vs. Vipin**

Kumar Sharma¹, this issue of multiplier is already decided. Therefore, considering the age of the deceased, the multiplier fixed at 18 is correct.

3. Hence, the appeal is dismissed.

4. The statutory amount of Rs.25,000/- deposited in this Court at the time of filing of the appeal is to be transferred to Motor Accident Claims Tribunal, Mumbai.

5. In view of the above, Civil Application also stands disposed of.

(MRIDULA BHATKAR, J.)

1 2015(4) Bom.C.R. 72

CERTIFICATE

Certified that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.