

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**FIRST APPEAL NO. 242 OF 2013
WITH
CIVIL APPLICATION NO. 924 OF 2013
CIVIL APPLICATION NO. 13251 OF 2014
CIVIL APPLICATION NO. 12662 OF 2016**

ICICI Lombard General Insurance Co. Ltd. .. Appellant
Versus
Datta Ramchandra Wanole & Ors. .. Respondents

Mr.V.V. Mate & Mr. A.G. Choudhari, Advocate for the
appellant.

Mr.K.M. Nagarkar, Advocate for respondent Nos. 1 & 2.

**CORAM : A.V.NIRGUDE, J
DATED : 19.09.2016**

P.C. :-

1. This appeal filed by the Insurance Company challenges mainly the multiplier utilized by the learned Member of Motor Accident Claims Tribunal in M.A.C.P. No. 483 of 2008 decided on 24th September, 2012.

2. Most of the facts are admitted. In the petition under section 166 of the Motor Vehicles Act, Gajanan was unmarried son of respondents/petitioners, who died in a vehicular accident on 15th January, 2008. Gajanan was a labour and was travelling in a tempo. The tempo was driven in rash and negligent manner and it turned turtle killing Gajanan on the spot. Gajanan's age on the day of his death was about 22 years. For calculating the compensation, the

learned Member held that Gajanan's monthly salary was Rs.3000/-. This is not in dispute at this stage. Since Gajanan was a bachelor, he would spend 50% of his income on himself and the remaining amount would be spent on his family. The next question was as to what multiplier should be utilized in this case. The learned Judge took into account the age of Gajanan on the day of his death and held that the multiplier should be 18 for calculating the compensation. The appeal mainly challenges the multiplier. It is now settled law that not the age of the dependents, but the age of the deceased should be decisive for deciding the multiplier. In view of this, the multiplier utilized by the learned Judge of the lower Court does not appear to be incorrect. The appeal, therefore, should fail.

3. Hence, the first appeal is dismissed. The amount deposited in this Court shall be transferred to the Lower Court for disbursement in terms of award.

4. In view of dismissal of the First Appeal, connected Civil Applications do not survive and stand disposed of.

[A.V.NIRGUDE, J.]