

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**FAO-10055-2014 (O & M)
Date of decision: 07.10.2016**

Shabbir Ahmad and anr.

....Petitioners

V/s

Ash Mohammad and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ram Pal Verma, Advocate, for the appellants.
Mr. Rajbir Singh, Advocate,
for respondent No.3.

Rajan Gupta, J. (Oral)

Present appeal is directed against the award 07.05.2014 passed by the MACT, Sonapat, whereby it was held that accident occurred due to rash and negligent driving by respondent No.1-Ash Mohammad, driver of the offending vehicle. The Tribunal, thus, proceeded to decide the issue pertaining to compensation to be awarded to legal heirs of the deceased-Mohammad Sahib.

The accident took place on December 24, 2013. The deceased was sitting on the rear seat of bicycle. At that time, the offending vehicle hit the bicycle due to which the cyclist fell on the road and one of them, namely Mohammad Sahib suffered injuries and later succumbed.

While awarding the compensation, the Tribunal applied a multiplier of 11 considering the age of the father of the deceased. Admittedly, in view of law laid down by the Apex Court in ***Munna Lal Jain and another versus Vipin Kumar Sharma and others, 2015(3) SCC (Civil)***

315, multiplier has to be applied on the basis of age of the deceased.

Deceased was about 20 years of age at the time of death.

Under the circumstances, multiplier of 18 would be applicable.

The appellants would, thus, be entitled to another sum of ₹ 2,52,000/-.

Allowed in these terms.

Learned counsel appearing for the insurance company-respondent No.3 undertakes that the said amount shall be paid to the appellants within 45 days from today.

October 07, 2016
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No