

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

**FAO No.1333 of 2014 (O&M)
Date of decision : 01.09.2016**

Shriram General Insurance Company Ltd.

.....Appellant

Versus

Smt. Sayera and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. J.S. Chatrath, Advocate for
Mr. Ashwani Talwar, Advocate for appellant.

Mr. Sameer S. Tiwari, Advocate for respondents No.3 and 4.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-Insurance Company against the award dated 26.07.2013, passed by learned Motor Accidents Claims Tribunal, Nuh at Mewat (hereinafter called the "Tribunal"), vide which respondents No.1 & 2-claimants have been awarded compensation to the tune of ₹5,87,280/- on account of death of Akbar as a result of injuries received received by him in the motor vehicular accident which took place on 28.06.2011.

2. The present appeal has been preferred by the appellant-Insurance Company to assail the award.

3. I have heard learned counsel for the parties and gone through the paper-book meticulously.

4. Learned counsel for the appellant-Insurance Company contended that the learned Tribunal has wrongly applied the multiplier of 18.

He further contended that it was proved that the driving licence of respondent No.4 Naresh Kumar, the driver of the three-wheeler, was fake. The three-wheeler was being plied without valid permit. So, the appellant-Insurance Company was entitled for total exoneration of the liability.

5. I have duly considered the aforesaid contentions.

6. As per the evidence available on record, the age of the deceased was 17 years at the time of death. As per the law laid down by Hon'ble Apex Court in case *Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77*, the multiplier of 18 shall be applicable where the victim falls in the age group of 15 to 25. The Hon'ble Apex Court in case *Munna Lal Jain and another Vs. Vipin Kumar Sharma and others 2015(3) PLR 304* has also laid down that the multiplier as per the age of the deceased shall be applicable. The learned Tribunal has not committed any illegality by applying the multiplier of 18 keeping in view the age of the deceased.

7. The learned counsel for the appellant-Insurance Company could not point out as to how the learned Tribunal committed any illegality in directing the appellant-Insurance Company to make the payment of the amount of compensation at the first instance and then to recover the same from the driver-owner.

8. Thus, keeping in view my aforesaid discussion, the present appeal has no merits and the same is hereby dismissed.

01.09.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No