

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

**FAO No.5677 of 2013 (O&M)
Date of Decision: April 04, 2016**

Shri Ram General Insurance Company Ltd.

.....APPELLANT.

VERSUS

Mukhtyari Devi and others

.....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tejender K. Joshi, Advocate
for the appellant.

SURINDER GUPTA, J.

Heard.

This is an appeal by the Insurance Company against the award dated 1st May, 2013, passed by Motor Accident Claims Tribunal, Hissar, allowing compensation of ₹4,70,800/- for the death of Deepak, aged 35 years, in a motor accident with jeep bearing registration No.HR66-2538(later referred to as 'offending vehicle').

The Tribunal has decided two claim petitions titled as Mukhtyari Devi and others vs. Vishal and others, bearing MACT Case No.53 dated 12.01.2012/20.06.2012 and Kamlesh and others vs. Vishal and others, bearing MACT Case No.54 dated 12.01.2012 and 20.06.2012. Both the claim petitions were allowed and the compensation was awarded to the claimants. The Insurance Company had filed two separate appeals against

the award passed in both the above mentioned cases. The appeal filed by Insurance Company bearing FAO No.5521 of 2013 against the award passed in favour of Kamlesh and others, was dismissed and the contentions raised by learned counsel for the appellant, which are similar to the contentions raised in the present appeal, were repelled. Kamlesh and others have also filed an appeal bearing FAO No.591 of 2014 seeking enhancement of compensation, which was allowed vide judgment dated 18th January, 2016. All the points raised by learned counsel for the appellant, have already been discarded.

Learned counsel for the appellant has argued that the Tribunal has committed error, while applying the multiplier as per the age of the deceased, while it should be as per the age of the claimant. This point has already been discussed and law has been settled down by the Apex Court in the case *Munna Lal Jain and another vs. Vipin Kumar Sharma and others, reported as 2015 (6) SCC 347*, as such, this contention of learned counsel for the appellant also has no merit.

For the reasons already discussed in FAO No.5521 of 2013, this appeal has no merits.

Dismissed.

April 04 , 2016.
deepak/jv

(SURINDER GUPTA)
JUDGE