

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 470 of 2014**

Oriental Insurance Co. Ltd. through Divisional Manager, Divisional Office, Kachheri Chowk, Raipur, District Raipur (CG)

---- Appellant**Versus**

1. Smt. Rukhmani Bai Baghel W/o Late Derha Ram Baghel Aged About 49
2. Pan Prasad Baghel S/o Late Sakharam Baghel Aged About 70 Years
3. Santandas S/o Late Derha Ram Baghel Aged About 40 Years
4. Mohan Lal S/o Late Derha Ram Baghel Aged About 32 Years
5. Manoj Kumar S/o Late Derha Ram Baghel Aged About 28 Years
6. Chaman Lal S/o Late Derha Ram Baghel Aged About 26 Years
7. Smt. Hemlata D/o Late Derha Ram Baghel Aged About 24 Years
All are R/o Dumardih, Post- Pataura, P.S. Uttai, Distt. Durg C.G.
8. Keshar Singh R/o Village- Tendubhata, P.S. Magarlod, Distt. Dhamtari C.G.
9. Wasan Singh S/o Jogender Singh R/o Mahendra Tour and Travels, New Bus Stand, Pandri, Raipur C.G.

---- Respondents

For Appellant	:	Shri Raj Awasthy, Advocate.
For respondents No.1to7:		Shri Shivendu Pandya, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****21/07/2017**

1. This is insurer's appeal under Section 173 of the Motor Vehicles Act against the award dated 11.03.2014 passed by the 7th Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.117/2013. Vide the said impugned award, the Tribunal in a proceeding under Section 166 of the Motor Vehicles Act has awarded compensation of Rs.42,27,636/- to the claimants.
2. The factual aspects of the case is being undisputed as regards the date of accident; the resultant death of deceased in the accident who was an employee of Bhilai Steel Plant and the accident arising of the

offending vehicle Bus bearing registration No.CG-04-E-9833 is concerned. It is also not in dispute that the offending vehicle was insured with the present appellant.

3. The primary challenge to the award is the multiplier which has been applied by the Tribunal while granting compensation to the claimants. According to counsel for the appellant, the deceased at the time of accident was 56 years old and that his normal age of superannuation left was 4 years and beyond that he would not have earned any salary and therefore, the multiplier applied by the Tribunal ought to have been taking in to consideration and therefore applying the multiplier of 9 is therefore bad in law.
4. This sole contention of the appellant does not have any force for the reason that law in this regard itself has been well settled in the case of Sarla Verma (Smt.) & others V. Delhi Transport Corporation and another¹ wherein multiplier of 9 has been prescribed for the age group between 56-60 years. In view of the same, if the Tribunal has applied the multiplier of 9 for the purpose of calculation of the compensation, it cannot be said to be erroneous or bad in law.
5. No other grounds have been raised by the appellant-insurance company.
6. The appeal thus being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder

¹ 2009 (6) SCC 121