

SMT JUSTICE T. RAJANI

MACMA No.391 of 2008

JUDGMENT:

This appeal is preferred by the insurance company, which is respondent No.2 before the tribunal below, assailing the order of the I Additional District Judge, Nalgonda in OP.No.625 of 2004 dated 27.09.2007 on the ground that the tribunal adopted 8 as the multiplier whereas according to *BHAGAWAN DAS v. MOHD. ARIF* [1987 ACJ 1052] the multiplier is only 4.

2. At the hearing, counsel for the appellant contends that though according to *BHAGAWAN DAS*'s case, the multiplier relevant for the age of the deceased at 55 years is 4, he concedes that the second schedule of the Motor Vehicle Act, 1988 (for short 'the Act') came into force by the date of the judgment and hence, there is no error on the part of the tribunal in adopting the multiplier, which is specified under the second schedule of the Act. With regard to the objection for apportionment of the awarded amount among the claimants, who are majors, the counsel for the appellant concedes that the apportionment would not prejudice the insurance company when there is no *inter se* dispute between the claimants with regard to apportionment.

In the above circumstances, the award of the tribunal cannot be found fault with. Hence, the civil miscellaneous appeal is dismissed. As a sequel, the miscellaneous applications, if any, shall stand disposed of as infructuous. There shall be no order as to costs.

March 17, 2017
DSK

T. RAJANI, J