

SMT JUSTICE T. RAJANI

MACMA No.382 of 2008

JUDGMENT:

This appeal is preferred by the insurance company, which is respondent No.2 before the tribunal below, assailing the judgment of the II Additional District Judge, Warangal in OP.No.1002 of 2005 dated 28.12.2006 on the ground that the tribunal adopted 8 as the multiplier while 5 is the appropriate multiplier.

2. At the hearing, counsel for the appellant does not extend any argument, which would support her contention that suitable multiplier is 5, as the age of the deceased was 60 years.

3. The tribunal adopted the multiplier as specified in the second schedule of the Motor Vehicle Act, 1988 (for short 'the Act'). According to the table under second schedule of the Act, for the age groups above 55 years but not exceeding 60 years, multiplier is 8 and above 60 years not exceeding 65 years, multiplier is 5. The evidence on the age of the deceased is not very specific whether it is above 60 years or not exceeding 60 years. There was no issue framed in that regard. The post mortem report and the inquest report showed the age of the deceased as 60 years, which can be construed either way, as not exceeding 60 years and not above 60 years. When there is no evidence adduced on that particular aspect, there is no reason for this Court to find fault with the judgment of the tribunal, which has taken 8 as the multiplier for the age of the deceased, which was stated to be 60 years.

In the above circumstances, this Court opines that there is no reason for interfering with the judgment of the tribunal. 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

