

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.224

F.A.O. No.6906 of 2015 (O&M)

Date of decision: 23.10.2017

Reliance General Insurance Co. Ltd.

....Appellant

versus

Neelam and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sanjeev Kodan, Advocate
for the appellant.

Mr. Ishaan Cooner, Advocate
for respondents No.1 to 5.

Mr. Sumit Sangwan, Advocate for
Mr. Vikas Lochab, Advocate
for respondents No.6 and 7.

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DEEPAK SIBAL, J. (Oral)

The insurance company has preferred the present appeal to challenge therein the award of the Motor Accident Claims Tribunal, Sonipat, (for short the 'tribunal') through which the claim petition filed by respondents No.1 to 5 under Section 166 read with Section 140 of the Motor Vehicles Act, 1988, has been allowed.

The case of the claimants before the tribunal was that on 23.09.2012, the deceased Pardeep alongwith his nephew Ankesh were going to Sonipat on a motorcycle bearing registration No.HR10-R-2021 which was being driven by Ankesh. When they reached near Government Nursery

at Gohana Road, a car bearing registration No.HR12 R-7600 (for short the 'offending vehicle'), which was being driven in a rash and negligent manner hit the motorcycle as a result of which Pardeep fell on the road and sustained injuries. He was initially admitted to Government Hospital, Sonipat, and thereafter, received treatment in Max Hospital, Shalimar Bagh, New Delhi, Maharaja Hospital, Delhi and Medanta Medicity Hospital, Gurgaon but he could not recover and succumbed to his injuries on 04.03.2013.

The issue that the death of Pardeep was caused due to rash and negligent driving of respondent No.6 and that respondent No.6 was holding a valid driving license, were decided by the tribunal in favour of the claimants. Such findings are not challenged by learned counsel for the appellant.

However, learned counsel for the appellant has raised two submissions which are that the age of the deceased was 33 years and not 30 and therefore, the multiplier of 17 could have not been applied as according to the judgment of the Apex Court in **Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(6) SCC 121**, if the deceased was 33 years of age, the multiplier of 16 is to be applied for assessing the compensation under the head of income. It is further submitted that various medical bills had been produced by the claimants, out of which there were few which had not been proved and therefore, compensation on account of the amounts mentioned in those bills could have not been granted.

The afore two submissions do not deserve a favourable consideration.

So far as the issue with regard to the age of the deceased is concerned, the tribunal relied on the specific averments made by the claimants as also the death report of deceased Pardeep which was exhibited and proved as Ex.P1 as per which the deceased was 30 years of age at the time of the accident. No evidence whatsoever was produced by the insurance company or respondents No.6 and 7 before the tribunal to prove otherwise. The same position continues even before this Court. Thus, no fault can be found in the finding recorded by the tribunal assessing the compensation payable to the claimants after applying the multiplier of 17 as the same is found to be in accordance with the judgment of the Apex Court in **Sarla Verma's case (supra)**.

So far as the second submission of the learned counsel for the appellant that some of the medical bills were not proved before the tribunal and therefore, could and should not have been included while determining the payable compensation to the claimants is concerned, such argument also cuts no ice with me. The medical bills of the expenditure incurred on the treatment of the deceased were not only produced but were also duly proved by the claimants through the deposition of PW-3 Raj Kumar Yadav, who was the Medical Records Technician at Max Hospital, Shalimar Bagh, New Delhi, PW-4 Prem Rajpal, Administrative Officer, Cygnus Maharaja Aggarsain Hospital, Panipat and PW-5 Anoop Singh, who was the Pharmacy In-charge/Supervisor, Sanyog Pharmacy inside Maharaja Aggarsain Hospital, Panipat. Even otherwise, which of the medical bills had not been proved having not been specifically pointed out from the record renders the argument vague and thus not worthy of acceptance.

No other point was urged.
Dismissed.

(DEEPAK SIBAL)
JUDGE

October 23, 2017
Jyoti 1

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>