

**Review Application No.52-CII of 2016 in
FAO No.1010 of 2014**

Oriental Insurance Company Ltd. Vs. Gogi and others

Present:- Mr.D.S.Gurna, Advocate, for the applicant/respondents.

Mr.Ashwani Talwar, counsel
for the non-applicant/appellant.

This application has been filed by the applicants/claimants seeking modification of the order dated 27.01.2016 whereby the claim has been treated under Section 163A and formula under Schedule II has been applied but multiplier has been wrongly taken 13 instead of 16. In the impugned order, the multiplier 13 has been taken whereas, Scheduled II of under Section 163A of the Motor Vehicles Act, if the deceased was 36 to 40 years of age at the time of accident, multiplier should be applied as 16. This fact is not disputed by the counsel for the appellant/Insurance Company.

In view of the above and as per Schedule II of Section 163 of M.V.Act, the order dated 27.01.2016 is modified as under:

Sr.No.	Heads of compensation	Amount
1.	Income of deceased	Rs.30,000/- per annum
2.	Deduction 1/3	Rs.30,000/- --- Rs.10,000/- = Rs.20,000
3.	Total loss of income after applying multiplier	Rs.20,000/- X 16= Rs.3,20,000
4.	Medical Expenses	Rs.9500/-
	Total compensation	Rs.3,29,500/-
	Enhanced compensation	Rs.3,29,500- ---- Rs.3,21,500=Rs.8,000

Resultantly, the enhanced amount of compensation of

Rs.8,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539**. Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the order dated 27.01.2016, the review application is allowed to the above extent and remaining conditions of disbursal of amount shall remain unaltered.

08.12.2017
anil

(RITU BAHRI)
JUDGE