

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-6105-2012 (O&M)

Date of Decision:-15.5.2018

ICICI Lombard Motor Insurance

... Appellant

Versus

Smt. Prem Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Marigank Sharma, Advocate for the appellant.

Mr. Sumeet Mahajan, Senior Advocate with
Mr. Sharan Sethi, Advocate and
Mr. Amit Kehar, Advocate for the respondents.

GURVINDER SINGH GILL, J.

This appeal has been preferred by the appellant-insurance company challenging award dated 8.8.2012, whereby while accepting the claim petition filed by Smt. Prem Devi and others on account of death of Devender Kumar @ Rinku in a vehicular accident, compensation to the tune of ₹ 5,49,068/- has been awarded to the claimants.

The learned counsel for the appellant-insurance company has assailed the impugned award mainly on the ground that the Tribunal, while computing the compensation, has applied the multiplier of 17 by taking the age of the deceased into account, who was aged about 23 years only and was unmarried, whereas it is the age of his parents i.e. claimants No.1 and 2, which ought to have been taken into account.

I have considered the aforesaid submissions. In view of the dictum of Hon'ble the Supreme Court in **National Insurance Company Limited v Pranay Sethi and others, 2017 S.C.C. 1270**, it is the age of the deceased, which has to be taken in account, while assessing the multiplier to be applied in a given case. Bearing in mind the age of the deceased in the present case i.e. about 23 years and also in light of **Sarla Verma & Ors. vs Delhi Transport Corp. & Anr. 2009(3) R.C.R. (Civil) 77**, in my opinion, the multiplier of 17 as applied by the learned Tribunal is appropriate in the given circumstances and does not want any interference.

I have perused the impugned award. I do not find any infirmity in the same and the same is hereby upheld.

There is not merit in this appeal and the same is hereby dismissed.

15.5.2018

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No