

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

FAO No. 3688 of 2018(O&M)

Date of Decision: July 06 , 2018.

Oriental Insurance Company Ltd.

..... APPELLANT (s)

Versus

Shakuntla Devi and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashwani Talwar, Advocate
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The appellant – Insurance Company has filed the present appeal impugning award dated 09.01.2018 passed by the learned Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as, the 'Tribunal') whereby the claimant/respondent No.1 was held entitled to compensation of ₹12,12,400/-.

Claimant/respondent No.1 had filed petition under Section 166 of the Motor Vehicles Act seeking compensation on account of the death of Pawan Kumar in a motor vehicular accident which took place on 19.10.2015 due to the rash and negligent driving of the offending vehicle by respondent No.2 – Ashok Kumar. Learned Tribunal concluded that the accident took place due to the rash and negligent driving of the offending vehicle by the said respondent and

awarded a total sum of ₹12,12,400/- as compensation to the complainant who is the mother of the deceased.

Sole ground on which this appeal has been filed is that the multiplier applied by the learned Tribunal is erroneous inasmuch as it is in reference to the age of the deceased whereas it should have been applied with reference to the age of the claimant i.e., mother of the deceased.

I have heard learned counsel for the appellant and gone through the file.

The matter regarding application of multiplier while assessing the compensation is no longer res integra. The Hon'ble Supreme Court in **Munna Lal Jain v. Vipin Kumar Sharma, (2015) 6 SCC 347** has specifically held that the multiplier is to be applied with reference to the age of the deceased and not with reference to the age of the claimant.

No other point has been raised/argued.

Learned counsel is unable to point out any illegality, infirmity or perversity in the impugned award dated 09.01.2018 passed by learned Motor Accident Claims Tribunal, Sonapat which warrants interference by this Court.

There is a delay of 42 days in filing of the appeal, which in any case is rendered academic keeping in view the fact that the matter has been dealt with on merits.

Accordingly, this appeal is dismissed.

(**LISA GILL**)
JUDGE

July 06 , 2018.
'om'

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No