

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

FAO No.5562 of 2018

Date of Decision: 31.10.2018.

Magma HDI General Insurance Company Ltd.

...Appellant

versus

Nafees and others

...Respondents

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present :- Mr. Pankaj Mehta, Advocate
for the appellant.

...

B.S. Walia, J (Oral)

1. The only point argued by learned counsel for the appellant is with regard to multiplier of '16' applied by the learned Motor Accidents Claims Tribunal, Yamuna Nagat at Jagadhari (hereinafter referred as 'the Tribunal') in the background of the fact that as per voter ID card (Annexure R-5), age of the deceased is recorded as 38 years.

2. Learned counsel contends that in view of paragraph No.21 of the decision of Hon'ble the Supreme Court in Sarla Verma Vs. Delhi Transport Co-op. and another, 2009 (3) RCR (Civil) 77, in case of the age of the deceased between 36 to 40, multiplier of '15' and not '16' is applicable.

3. I have heard learned counsel for the parties.

4. A perusal of paragraph No.18 of the impugned award reveals that although age of the deceased as per voter ID card, Annexure R-5

(wrongly recorded as R-1) has been mentioned as ‘38’ years but at the same time, there is reference of ‘Aadhaar Card’ of the deceased having been placed on record mentioning the exact date of birth of the deceased as 22.10.1982, on the basis of which, the age of the deceased works out to ‘33’ years. In view of the fact that once there is specific document which is prepared on the basis of documentary proof with regard to particulars entered therein, the finding of the learned Tribunal treating the age of the deceased as ‘33’ years on the basis of date of birth 22.10.1982 as recorded in the ‘Aadhaar Card’ does not call for any interference.

5. In view of the position as noted above, I do not find any ground whatsoever to interfere with the well reasoned award passed by the Tribunal. The appeal is accordingly dismissed.

October 31, 2018

rajesh.k.khurana

(B.S.Walia)
Judge

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No