

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

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FAO 800 of 2018 (O&M)

Date of decision: 07.02.2018

IFFKO Tokio General Insurance Co. Limited*Appellant*

Versus

Bimla and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Ashwani Talwar, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

CM 2498 CII of 2018

Prayer in this application is for condonation of delay of 31 days
in filing the appeal.

In view of averments made in the application supported by an
affidavit of Rajiv Ranjan, General Manager of Insurance company and
arguments advanced, the application is allowed and delay of 31 days in
filing the appeal stands condoned.

Main case

The present appeal directs challenge against award dated
05.09.2017 whereby compensation has been awarded in regard to death of
Raj Pal in a motor vehicular accident that took place on 09.11.2013.

The sole submission made by counsel is that the deceased was
born on 10.05.1953 and died on 09.11.2013, therefore, he was 60 years and
six months on the date of occurrence but the Tribunal has applied multiplier
of 9 in place of 7. In support of his contention, he has referred to judgment

of Hon'ble the Supreme Court ***Sarla Verma and others v. Delhi Transport Corporation and another 2009(3) R.C.R. (Civil) 77.***

In Sarla Verma's case (supra), Hon'ble the Apex Court has allowed multiplier of 9 for the age bracket of 56-60 and 7 for 61-65 years. Nothing has been mentioned in the judgment as to how a multiplier is to be applied if deceased is between the age of 60-61. In the case at hand, deceased was 60 years and six months old on the date of occurrence. The provisions of the Motor Vehicles Act providing for compensation are a benevolent social legislation enacted with an avowed object to make good the loss as the money can do, suffered by the victim family. Under the circumstances, it is expedient in the interest of justice that the said provision is interpreted liberally in favour of claimants and accordingly multiplier adopted by the Tribunal for the age bracket of 56-60 years in the given circumstances cannot be faulted with.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

07.02.2018
mohan bimbura

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