

\$~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 272/2018 & CM Nos.9543-9544/2018 & CAV 202/2018**

THE ORIENTAL INSURANCE CO LTD Appellant
Through: Mr. A.K. Soni with Mr. Pavan Kumar
Vashishth, Advocates.
versus

RENU KUMARI SINGH & ORS Respondents
Through: Mr. Anil Kumar Singh with Mr. S.N.
Parashar, Advocates for R-1 to R3.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **13.03.2018**

The appeal at hand has been preferred by the insurance company against the judgment dated 11.12.2017 of the motor accident claims Tribunal and the accident claim case (MACT No.5522/2016 – old MACP no.126/2014) of first to third respondents (collectively, the claimants) whereby compensation was awarded on account of death of Anurag Singh in a motor vehicular accident that took place on 22.03.2014, statedly due to negligent driving of tractor bearing no. HR-10J-7663 which was concededly insured against third party risk for the period in question with the appellant (insurer), was allowed.

The claimants had filed caveat petition no.202/2018 and are present through counsel Mr. Anil Kumar Singh, Advocate. Therefore, the caveat petition stands discharged.

The only ground on which the award in favour of the claimants is challenged is the choice of multiplier on the basis of which loss of dependency has been computed by the Tribunal. The deceased was found to be 19-20 years old at the time of accident and death. The Tribunal has adopted the multiplier of 18. It is the contention of the insurer that the claim was primarily on behalf of the parents (first to third respondents) and therefore, the multiplier according to their age should have been adopted.

The Tribunal has adopted the multiplier as per the age of the deceased following the ruling of the Constitution Bench of the Supreme Court rendered on 31.10.2017 in *SLP (C) 25590/2014, National Insurance Company Ltd. Vs. Pranay Sethi and Ors.* The view taken by the Tribunal cannot be faulted as the issue is covered by the decision dated 13.11.2017 of this Court in *MAC. Appeal no.294/2012, titled Reliance General Insurance Company Ltd. V. Sudhir Kumar Gupta & Ors.*

The appeal and the applications filed therewith are dismissed in *limine*.

The statutory deposit shall be refunded.

R.K.GAUBA, J

MARCH 13, 2018

srb