

FIRST APPEAL NO. 1562 OF 2012

- Mr.Mehta i/b. KMC Legal Venture for the Appellant.
- Ms.T.J. Kapre i/b. Mr.J.S. Kapre for Respondent No.1.

DATE : 30th JANUARY, 2019.

1] Heard learned counsel for the parties.

2] This Appeal takes an exception to the judgment and order dated 12/01/2012 passed by the Motor Accident Claims Tribunal, Pune, thereby granting the compensation of Rs.5,88,000/- inclusive of no fault liability to the Respondents-Claimants with interest at the rate of 9% per annum.

3] The main point raised for consideration in the appeal was the multiplier, which is applied by the Tribunal on the basis of the age of the deceased, which was 52 years. According to learned counsel for the Appellant, considering the age of the children the multiplier should have been [08]. However, now in view of the judgment of the

Hon'ble Apex Court in the case of *National Insurance Co. Ltd. Vs. Pranay Sethi*, [JT 2017 (10) SC 450], the age of the deceased is required to be considered and as per the age of the deceased in this case appropriate multiplier would be [11]. The Tribunal has accordingly applied the correct multiplier. Hence, no interference is warranted on this score.

4] As regards the second contention raised in the Appeal that the deceased was not having the valid driving licence, as observed by the Tribunal itself, no evidence is led on that score by the Appellant-Insurance Company. Hence, on this aspect also no interference is warranted.

5] The Appeal therefore being without merit, stands dismissed.

6] The statutory amount of Rs.25,000/- deposited in the Court be transferred to the concerned Tribunal.

[DR.SHALINI PHANSALKAR-JOSHI, J.]