

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc Appeal (C) No. 552 of 2013**

(Arising out of Award dated 23.02.2013 passed by the learned 6th Additional Motor Accident Claims Tribunal, Bilaspur in Claims Case No.9/2012)

- Reliance General Insurance Company Limited, through its Legal Manager, Reliance General Insurance Company Limited, 4th floor, 412-413, Ravi Bhawan, Near Jaistambh Chowk, Raipur (C.G.)

---- Appellant/Insurer

Versus

1. Smt. Janki Devi Sahu, Wd/o Late Jeevrakhan Lal Sahu, aged about 48 years, R/o Radhika Vihar, P.S. Sarkanda, Tahsil & District Bilaspur (C.G.) (Claimant)
2. Bimlesh Yadav S/o Shri K. Yadav, R/o 34 B.T. Road, Kolkota-2, West Bengal (Driver)
3. Brij Bhushan Singh, 87/9 Maharani Indradevi Road, 129 Behala, Kolkata-700060, West Bengal (Owner)

---- Respondents

For Appellant	:	Shri Sourabh Sharma, Advocate
For Respondents	:	None

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, P. R. Ramachandra Menon, Chief Justice

11.06.2020

1. Appeal is at the instance of the Insurer. Grievance of the Appellant is in respect of the quantum of compensation fixed and also as to the finding on the question of driving licence with reference to violation of the policy conditions.
2. The accident occurred was on 13.06.2011. The deceased by name Suryakant Sahu, aged about 28 years, while proceeding on a bicycle, was knocked down to death by the offending Truck bearing registration

No. W.B./23-7344, insured by the Appellant/Insurer which led to the Claim Petition preferred by the 1st Respondent / Claimant (mother of the deceased). The Appellant/Insurance Company contested the matter on various grounds and based on the pleadings and evidence, the Tribunal arrived at a finding that the accident was only because of the negligence on the part of the driver of the Truck. Accordingly, the quantum of compensation was passed to an extent of 14,30,760/- and the same was directed to be satisfied with interest by the Insurance Company; which is put to challenge in this appeal.

3. Heard Mr. Sourabh Sharma, learned counsel appearing for the Appellant/Insurance Company in detail.
4. The case of the Appellant is that the multiplier has been selected and applied by the Tribunal as '17' with reference to the age of the deceased; which ought to have been on the basis of the age of the claimant. The learned counsel further submits that there was also a case with reference to absence of driving licence to the driver, by virtue of which the violation was to be inferred and a finding ought to be arrived at so as to enable the Appellant / Insurance Company to recover the amount from the wrong-doer.
5. During the course of hearing, it is brought to the notice of this Court that the driving licence of the driver was subsequently produced, from which it is discernible that he was having a valid and effective driving licence on the date of accident. The remaining question is only with regard to

the appropriate multiplier. By virtue of the settled position of law as per the rulings rendered by the Apex Court including in ***Sarla Verma Vs. Delhi Transportation Corporation*** reported in ***(2009) 6 SCC 121***, to the extent as affirmed by the Constitution Bench in ***National Insurance Company Limited Vs. Pranay Sethi & Others*** reported in ***(2017) 16 SCC 680***, the appropriate multiplier has to be fixed with reference to the age of the deceased. In the said circumstance, considering the fact that the deceased was aged about 28 years (less than 30 years), the appropriate multiplier is '17', which alone has been taken by the Tribunal.

6. In the said circumstance, we are of the view that there is no merit in the appeal. It stands dismissed.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge