

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.675 OF 2018

Reliance General Insurance Co. Ltd.	)	
Through its Manager, Mr. Priyank Shah	)	
having its office at 4 th floor,	)	
Chintamani Avenue,	)	
Off. Western Express Highway,	)	
Near Virwani Industrial Estate,	)	
Goregaon (East), Mumbai 400 063.	)	Appellants (Ori. Opp. Party No.2)

Versus

1	Jitendra Satyanarayan Tiwari	)	
	Age : 49 years, Occ. LiC Agent	)	
	(Father of the deceased)	)	
2	Sumitra Jitendra Tiwari	)	
	Aged about 43 years (Mother of the	)	
	deceased)	)	
	Occ-Housewife,	)	Respondent
	Residing at R Panvelkar Nagari	)	Nos.1 and 2
	A/12, Behind Old Palika, Patil Pada,	)	being original
	Station Road, Kulgaon,	)	applicants
	Badlapur (East), Dist-Thane.	)	
3	Mr. Rajik Kalandar Khan	)	
	House No.1159/15, Mass Sherwali	)	
	Complex,	)	
	Khalher, Taluka-Bhiwandi, Dist-Thane,	)	
	(Owner of the Motor Tempo Bearing No.	)	Respondent
	MH-04-DK-920)	)	No.3 being
	F.A. stand dismissed as against	)	original opp.
	respondent No.3 vide order dated	)	Party No.1.
	17/12/2018.	)	

Mr. Rajesh Kanojia along with Ms. Deepika Prabhala i/b. Res Juris,
Advocates for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th DECEMBER, 2023.

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ORAL JUDGMENT:

1. The issue involved in this appeal is application of wrong multiplier while calculating the compensation.
2. It is the contention of learned counsel for the appellant that the Tribunal has applied multiplier of 18 as per the age of deceased while calculating compensation, it should have been the multiplier as per age of parents of the deceased. Hence, requested to allow the appeal.
3. I have heard learned counsel for the appellant, perused the judgment and order passed by Motor Accident Claims Tribunal, Thane (for short "the Tribunal").
4. It is the contention of learned counsel for the appellant that multiplier of parents of deceased should have been applied while calculating compensation. It is settled position of law that multiplier as per the age of deceased shall be applied. Accordingly, the Tribunal has applied multiplier of deceased. I do not find any infirmity in it. The appeal is devoid of merit. I pass following order :

O R D E R

1. The appeal is dismissed. No order as to cost.
2. The respondent Nos.1 and 2/claimants are permitted to withdraw the deposited amount along with accrued interest thereon.

3. The statutory amount along with interest accrued thereon be transmitted to the Tribunal. The parties are at liberty to withdraw it as per Rule.
5. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)