



FAO-965-2025 (O&amp;M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(134)

FAO-965-2025 (O&amp;M)

Date of decision: - 13.02.2025

ICICI Lombard General Insurance Company Ltd.

....Appellant

Versus

Rakhi Chauhan and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Preet Harinder Singh Pannu, Advocate  
for the appellant.

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VIKAS BAHL, J. (ORAL)

1. Challenge in the present appeal by the Insurance Company is to the award dated 19.12.2024 vide which the compensation of Rs.35,48,550/- alongwith interest has been awarded to the claimants i.e. respondents No.1 to 3.

2. Learned counsel for the appellant-Insurance Company has challenged the award only on two grounds. The first ground of challenge made by learned counsel for the appellant is to the effect that the deceased has been held to be 30 years of age by the Tribunal and thus, a multiplier of '16' should have been applied in the present case and the multiplier of '17' which has been applied by the Tribunal is against the dictum of law laid down by the Hon'ble Supreme Court in case titled as "Sarla Verma (Smt.) and others Vs. Delhi Transport Corporation and another",



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*reported as (2009) 6 SCC 121*. The second argument raised to challenge the award is to the effect that the rate of interest which has been awarded by the Tribunal is highly excessive.

3. This Court has heard learned counsel for the appellant and has perused the paper-book and finds that both the grounds raised by learned counsel for the appellant do not call for interfering in the award dated 19.12.2024 and the present appeal being meritless, deserves to be dismissed for the reasons stated hereinafter.

4. The brief facts of the case are that Sanjay Kumar had died in the accident which had taken place on 21.01.2020 and the claim petition was filed by his widow, minor son as well his mother. An FIR No.41 dated 21.01.2020 under Sections 279 and 304-A IPC was registered against Aman son of Sukesh Pal, who was stated to be the driver of car bearing registration No.HR-05BC-8313. The said car was stated to be owned by Sawan Kumar and was stated to be insured with the present appellant. It was the case of the claimants that Sanjay Kumar was working as a Regional Manager in Kotak Mahindra Bank and was earning Rs.35,000/- per month which was ultimately found to be Rs.17,692/- (monthly gross income) by the Tribunal. The Motor Accident Claims Tribunal, Karnal vide order dated 08.09.2021 had framed the following issues: -

- “1. *Whether the accident in question took place on 21.01.2020 in the area of P.S.Assandh, District Karnal on account of rash and negligent driving of offending Car bearing registration no.HR-05BC-8313 by respondent no.1 resulting into death of*



*Sanjay Kumar? OPP*

2. *If issue No.1 is proved whether the claimants are entitled to any compensation, and if so how much and from whom? OPP*
3. *Whether the respondent no.2 was not holding a valid and effective driving licence and vehicle was being plied in contravention of the terms and conditions of the insurance policy? OPR3*
4. *Relief.”*

5. Issue No.1 was decided in favour of the claimants and under issue No.2, an amount of Rs.35,48,550/- was awarded as compensation. The driver, owner and insurance company were jointly and severally liable to pay the compensation. However, it was further observed that the Insurance Company shall pay the aforesaid compensation to the claimants. It is the said award which is sought to be challenged by the appellant/Insurance Company on the grounds which have been mentioned hereinabove.

6. With respect to the first ground, it would be relevant to reproduce para No.42 of the judgment in the case of **Sarla Verma** (*supra*), which is as under: -

“42. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying *Susamma Thomas, Trilok Chandra and Charlie*), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is **M-17 for 26 to 30 years**, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

A perusal of the above would show that in case the deceased

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is from 26 to 30 years, then the multiplier of '17' is required to be applied.

7. In the present case, it is not in dispute that the deceased was 30 years of age and thus, the multiplier of '17' which has been applied by the Tribunal is in accordance with law. The argument to the effect that the multiplier of '16' should have been applied, is misconceived, inasmuch as, the multiplier of '16' is to be applied in case the age of the deceased is from 31 to 35, which is not so in the present case.

8. Even with respect to the argument raised on behalf of the appellant to the effect that rate of interest awarded by the Tribunal is highly excessive, no law has been cited by the learned counsel for the appellant in support of the same. Moreover, this Court is of the opinion that in the facts and circumstances of the case, the appeal should not be entertained solely on the said issue. The deceased was apparently the only bread winner. The claimants are his 28 year old widow, 1 year old son and mother and thus, issuing notice in the present appeal only on the aspect of interest alone would further prolong their agony and would also entail expenses for them to defend the appeal.

9. Keeping in view the above-said facts and circumstances, the present appeal being meritless, deserves to be dismissed and is accordingly dismissed.

**February 13, 2025**  
*naresh.k*

**( VIKAS BAHL )**  
**JUDGE**

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|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | Yes |