
(2014) 01 P&H CK 0099
In the Punjab And Haryana At Chandigarh
Case No : FAO-5208-2013 (O and M)

ICICI Lombard General Insurance Co. Ltd.

APPELLANT

Vs

Champa and Others

RESPONDENT

Date of Decision : 13-01-2014

Acts Referred:

Citation : (2014) 01 P&H CK 0099

Hon'ble Judges : Jitendra Chauhan, J

Bench : Single Bench

Advocate : Mrigank Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

Jitendra Chauhan, J.

CM-22083-CII-2013 in FAO-5208-2013 & CM-22085-CII-2013 in FAO-5209-2013

1. Heard. Keeping in view the circumstances mentioned in the applications, the same are allowed and the delay of 77 days, and 101 days, respectively, in filing the appeals, is condoned.

2. Two appeals, noticed above, are being disposed of by this single judgment, having arisen out of the common impugned Award dated 25.03.2013, passed by the learned Motor Accident Claims Tribunal, Ambala.

3. The only contention raised by the learned counsel for the appellant is that the learned Tribunal erred in taking into consideration the age of the deceased, who was a bachelor at the time of his death in the motor vehicular accident, for determining the multiplier to be applied for assessing the compensation. The learned counsel has placed reliance on a Full Bench judgment rendered by Hon'ble the Apex Court in New India Assurance Company Ltd. Vs. Smt. Shanti Pathak and Others, , and contends that the compensation allowed is on the higher side.

4. I have heard the learned counsel for the appellant and perused the case file.

5. It is admitted case of the parties that both the deceased, Vinod Kumar and Neeraj, were unmarried at the time of their death due to the accident in question. The learned Tribunal, while determining the multiplier to be applied in both the appeals, has considered the age of the deceased and not the age of the parents on the strength of the law laid down in *Amrit Bhanu Shali and Others Vs. National Insurance Co. Ltd. and Others*, wherein, it has been observed that the selection of multiplier should be based on the age of the deceased and not on the basis of the age of the dependants as there may be a number of dependents whose age may be different.

6. The Motor Vehicles Act, being a beneficial legislation, this Court also relies on *Amrit Bhanu's case (supra)*, which is subsequent to the case law cited by learned counsel for the appellant in *Smt. Shanti Pathak's case (supra)*.

7. In this view of the matter, this Court is of the considered opinion that there is no scope of interference in the well reasoned award passed by the learned Tribunal. Consequently, both the appeals are hereby dismissed.