
(2016) 03 SHI CK 0189
In the High Court Of Himachal Pradesh
Case No : FAO (MVA) No. 547 of 2009

National Insurance Co. Ltd.	Vs	APPELLANT
Suresh Chand Sharma		RESPONDENT

Date of Decision : 04-03-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2016) ILRHP 130

Hon'ble Judges : Mansoor Ahmad Mir, CJ.

Bench : Single Bench

Advocate : Ms. Devyani Sharma, Advocate, for the Appellant; Mr. Aman Sood, Advocate, for the Respondent No. 4; Nemo, for the Other Respondent

Final Decision : Disposed Off

Judgement

Mansoor Ahmad Mir, C.J.(Oral)—This appeal is directed against the judgment and award dated 12.8.2009, made by the Motor Accident Claims Tribunal Hamirpur, H.P. in MAC Petition No. 5 of 2007, titled Suresh Chand Sharma and others v. Harsh Vardhan and others, for short "the Tribunal", whereby compensation to the tune of Rs. 4,00,000/- along with interest @ 7.5% per annum was awarded in favour of the claimants, hereinafter referred to as "the impugned award", for short.

2. Claimant, owner and driver have not questioned the impugned award on any ground, thus it has attained finality so far it relates to them.

3. The insurer, by the medium of this appeal, has questioned the impugned award on the grounds taken in the memo of appeal.

4. The factum of insurance is admitted. The deceased is 3rd party. I wonder why the insurance has filed the appeal. The deceased was 26 years of age at the time of the accident and the claimants are the father, mother and sister of the deceased. Claimants have specifically pleaded and proved that the deceased was a student of MCAM and was hope and help for the parents in their old age. His

career and budding age has been taken away by the said accident. Keeping in view the latest judgments of the Supreme Court and other things, an amount of Rs. 4,00,000/- is at a lower side. Unfortunately, the claimants have not questioned the same, is reluctantly maintained. Even otherwise, the deceased was 26 years of age. He would have been earning not less than Rs. 10,000/- per month after completion of his study course and being a bachelor, at least, he would have spent one half towards his parents. Thus, the parents have lost source of dependency to the tune of Rs. 5000/- per month. His age was 26 years of age and multiplier of "15" was applicable.

5. Having said so, the amount awarded is at a lower side, cannot be said to be excessive in any way. Accordingly, the appeal is dismissed and the impugned award is upheld.

6. The insurer is directed to deposit the amount, if not already deposited, in this Registry within six weeks from today. The Registry, on deposit of the amount, is directed to release the same in favour of the claimants, strictly in terms of the conditions contained in the impugned award, through payees cheque account, or by depositing the same in their bank accounts.

7. The appeal stands disposed of accordingly.

8. Send down the record forthwith, after placing a copy of this judgment.