SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>AO/271/2013</u> The Oriental Insurance Company Limited --Appellant **Versus** Shri Harvansh Singh --Respondent **<u>Hon'ble Alok Mahra, J.</u>** Mr. I.P. Kohli, Advocate for the appellant. Mr. Hari Mohan Bhatia, Advocate for respondent nos.1 & 2. 2. This Appeal from Order has been preferred by the appellant-Insurance Company assailing the judgment and award dated 29.03.2013 passed by the learned Motor Accident Claims Tribunal/ Additional District Judge, Khatima, District Udham Singh Nagar in M.A.C.P. No.452 of 2011, whereby compensation has been awarded in favour of the claimants on account of the death of Ranjit Singh in a motor vehicle accident. 3. The facts, as borne out from the record, are that on 26.11.2011, Ranjit Singh, son of respondent no.1, was returning home from his agricultural field. When he reached near a poultry farm on the paved road, a Bolero vehicle bearing registration no. UK-06-L-2144, coming from the side of Jhankat, allegedly struck him while its driver was attempting to save a child who had suddenly crossed the road. Ranjit Singh sustained grievous

			injuries and succumbed to the injuries at the spot. 4. Learned counsel for the appellant-Insurance Company has primarily assailed the impugned award on the ground that the driving licence allegedly possessed by respondent no.4 was not valid, as per the report of the R.T.O., Bareilly. 5. This Court has perused the original report submitted by the R.T.O., Bareilly. Contrary to the submission advanced on behalf of the appellant, the said report records that the original Driving Licence No.2/7/7 dated 08.12.1997, issued in favour of respondent no.4, was in fact issued by the R.T.O., Bareilly. Thus, the very basis of the challenge raised by the appellant-Insurance Company does not find support from the original record. It is further an admitted position that the aforesaid driving licence was subsequently renewed after the creation of the State of Uttarakhand and the records pertaining to such renewal were duly verified from the R.T.O., Haldwani. 6. In view of the aforesaid factual position, this Court finds no ground to hold that respondent no.4 was driving the vehicle without a valid and effective driving licence. Consequently, the challenge to the award on this count is liable to be rejected. 7. Learned counsel appearing for the parties have, however, jointly submitted that there is an error in the computation of compensation by the learned Tribunal. It is submitted that, while determining the loss of dependency, the learned Tribunal has applied the multiplier of 13 by taking into consideration the age of the

			parents/claimants, whereas the multiplier is required to be determined with reference to the age of the deceased. It is submitted that, considering the age of the deceased, the appropriate multiplier would be 18. 8. A Constitution Bench of the Hon'ble Supreme Court in National Insurance Company Limited Vs. Pranay Sethi and others, reported in (2017) 16 SCC 680, has laid down the principles governing determination of just compensation under the Motor Vehicles Act. The compensation is required to be fair, reasonable and just, and the multiplier is to be applied with reference to the age of the deceased in accordance with the settled principles. 9. In the present case, the calculation indicates that the monthly income of the deceased was assessed at ₹3,000/-, resulting in an annual income of ₹36,000/-. Since the deceased was unmarried, 50% of the said income is liable to be deducted towards his personal and living expenses, thereby leaving an annual contribution to the family of ₹18,000/-. Applying the multiplier of 18, the loss of dependency is accordingly calculated at ₹18,000/- × 18 = ₹3,24,000/-. In addition thereto, the claimants shall be entitled to a sum of ₹4,500/- under the conventional heads, as reflected in the calculation placed on record. Accordingly, the total compensation payable to the claimants comes to ₹3,28,500/-, together with interest at the rate of 6% per annum, as directed by the learned Tribunal. 10. Accordingly, the impugned judgment and award dated 29.03.2013 is modified only to the aforesaid extent. The multiplier of 13 applied by the learned Tribunal shall

stand substituted by the multiplier of 18, and the total compensation payable to the claimants shall stand enhanced/ recalculated at ₹3,28,500/- with interest @ 6% per annum.

11. The appellant-Insurance Company shall be liable to satisfy the award in terms of the modified computation is directed to satisfy the modified award within six weeks from the date of this judgment, after adjusting any amount already deposited, while all other findings of the learned Tribunal are affirmed, being in accordance with law.

12. Accordingly, the Appeal from Order stands partly allowed to the aforesaid limited extent and the impugned award is modified accordingly.

13. The statutory amount, if any, deposited by the appellant at the time of filing the present appeal, shall be remitted to the learned Tribunal concerned for being adjusted against the amount payable under the modified award. The balance amount, if any, shall be released in favour of the claimants in accordance with the directions of the learned Tribunal.

(Alok Mahra, J.)
16.09.2026

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