

**SUPREME COURT OF INDIA**

Rajeshwari

Vs.

Oriental Insurance Co.Ltd.

C.A.Nos.1108-1109 of 2011

(Dalveer Bhandari and Deepak Verma,JJ.,)

28.01.2011

**ORDER**

1. Leave granted.

2. We have heard the learned counsel for the parties.

3. These appeals emanate from the judgment and order dated 17.3.2009 passed by the High Court of Uttarakhand at Nainital in Appeal From Order Nos.82/2007 and 109/2007. The short question which falls for our consideration is whether in the facts and circumstances of the cases, the proper multiplier applied should be 16 or 18. At the time of the incident, the age of the deceased was 26 years. The Motor Accident Claims Tribunal, Kashipur, while calculating the amount of compensation applied the multiplier of 18. The amount of compensation was reduced by the High Court by applying the multiplier of 16 in the impugned judgment.

4. As per the Second Schedule appended to the Motor Vehicles Act, 1988, for the age of the deceased above 25 years but not exceeding 30 years, the multiplier given is 18. The age of the deceased at the time of accident was 26 years, therefore, appropriate multiplier should be 18. Consequently, the impugned judgment passed by the High Court is modified to this extent and the order of the Tribunal is restored. The entire balance amount of compensation, after adjusting the amount already paid, shall be paid to the appellants, within four weeks from today. With the aforementioned observation and direction, these appeals are disposed of.