GAHC010026452017

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MACApp./281/2017

RELIANCE GENERAL INSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT 19 RELIANCE CENTRE, WALCHAND HARICHAND MARG, BALLARD ESTATE, MUMBAI- 400001, AND ONE OF ITS BRANCH OFFICE AT ANIL PLAZA, 5TH FLOOR, G.S. ROAD, GUWAHATI-781005.

VERSUS

SMTI BABY DAS and 5 ORS
W/O. LT. GAURANGA DAS, R/O. VILL. HATKHOLA, P.O. and P.S. SONAPUR, DIST. KAMRUP, ASSAM.

2:SUMAN DAS
S/O LATE GAURANGA DAS
R/O VILL. HATKHOLA
P.O. and P.S. SONAPUR
DIST. KAMRUP
ASSAM.

3:MISS MINA DAS
D/O LATE GAURANGA DAS
R/O VILL. HATKHOLA
P.O. and P.S. SONAPUR
DIST. KAMRUP
ASSAM.

4:RUPAM DAS
S/O LATE GAURANGA DAS
R/O VILL. HATKHOLA
P.O. and P.S. SONAPUR
DIST. KAMRUP
ASSAM.

5:CHANDAN SEN
S/O LATE TARUNI KANTA SEN
R/O VILL. BALIGATE
P.O. and P.S. SONAPUR
DIST. KAMRUP
ASSAM.

6:DAMBAR SINGH
S/O LATE HASTA BH SINGH
R/O VILL. BARBILA
P.O. and P.S. SONAPUR
DIST. KAMRUP
ASSAM

Advocate for the Petitioner : MR.J JOHN, MR.A TALUKDAR,MR.K K BHATTA,MR.K K BHATTACHARYYA,MS.L SHARMA

Advocate for the Respondent : MR.B SHARMA R. 1 TO 6., MR.B C TALUKDAR(R. 1 TO 6.)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

22.09.2026

Heard Shri K.K. Bhatta, learned counsel for the appellant. Also heard Shri K. Talukdar, learned counsel for the respondent nos. 1 to 4.

2. The instant appeal has been preferred under Section 173 of the Motor Vehicles Act, 1988 against a judgment and award dated 08.04.2025 passed by the learned Member, Motor Accident Claims Tribunal No. 1, Kamrup at Guwahati in MAC Case No. 1739/2010 directing the appellant-insurer to pay a sum of Rs. 21,48,000/- as compensation along with interest @ 6% p.a. from the date of institution of the claim.

3. Shri Bhatta, learned counsel for the appellant has submitted that the primary ground on which the appeal was preferred was on the aspect of Split Multiplier. He

has, however, very fairly submitted that subsequent to the said filing, there is a judgment of the Hon'ble Supreme Court in the case of ***Preetha Krishnan & Ors. Vs. United India Insurance Co. Ltd. & Ors.***, reported in **2025 SCC OnLine SC 2365**. He has submitted that the Hon'ble Supreme Court in the said case has resolved the aspect as there were divergence views of various High Courts regarding the use of Split Multiplier. Certain observations made by the Hon'ble Supreme Court are hereinbelow:

> "*13. We find that there are divergent views of the High Courts regarding the use of split multiplier. Some judgments support its application while others explicitly reject the same. Below is a tabular representation, illustrative in nature, of certain judgments accepting the use of split multiplier, while others passed by the same Court rejecting it. The common factor to be noted, in all these judgments is that the person involved in the accident or the person who passed away as a result of the accident, were employed in jobs that had a definite retirement age.*
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> *14. As can be seen from the above table, there is diverging opinion on the application of split multiplier. While certain High Courts have differences intra-court, there also exists inter-court difference. What is more concerning to us, is the former. Given that there was no uniformity of opinion within a single Court, the Tribunal below is left bereft of guidance leading to differences in compensation awarded for no justifiable reason. This also creates a concerning situation for judicial discipline. We have found instances where a division bench has applied the concept, but a learned single Judge has refused to do so, subsequently. Further, when there are differences of opinion in benches of equal strength, it is incumbent upon the Court to seek to resolve by referring the issue to a bench of larger composition.*
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> *21. The amount be directly remitted into the bank account of the claimant-appellants as directed by the High Court. The particulars of the bank accounts*

are to be immediately supplied by the learned counsel for the appellant to the learned counsel for the respondent. The amount be remitted positively before 30th November, 2025.

22. We clarify that the directions issued by this order shall apply prospectively and the conclusions arrived at regarding the split multiplier, shall not affect the judgments of the High Courts noticed by us above. That was done only for the purpose of demonstrating the difference of opinion prevalent on this issue as also shedding light on the situation which comprises judicial propriety. A copy of this order is directed to be circulated by the Registrar (Judicial) of this Court to the learned Registrars General of all the High Courts for necessary information and compliance. It is requested that an e-copy of the order be also circulated to the Tribunals forthwith."

4. In view of the aforesaid clarification by the Hon'ble Supreme Court in the aforesaid case of ***Preetha Krishnan*** (*supra*), there would be no requirement of further adjudication of the appeal and therefore, the same is closed.

5. The statutory amount deposited by the appellant be released to it within a period of 45 days from today.

6. The MAC appeal accordingly stands disposed of.

JUDGE

Comparing Assistant