

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 1074 of 2000

Appellant :- Smt. Shahin Begum And Ors.

Respondent :- Anil Sharma And Anr.

Counsel for Appellant :- Madhav Jain

Counsel for Respondent :- Rajeev Chaddha

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellants and learned counsel for the respondents.

2. The present appeal has been filed by the appellants/claimants for enhancement of compensation.

3. Learned counsel for the claimants/appellants has urged that accident had taken place in the year 1999 and the deceased was doing shoe business, and therefore, considering the nature of work of the, he must be earning Rs.60/- per day i.e. Rs.1800/- per month. Therefore, the Tribunal should have taken the income of the deceased to be Rs.1800/- per month i.e. Rs.21,600/- per annum instead of Rs.15,000/- for computing the compensation. He further contends that the no amount towards future prospect has been awarded to the claimants/appellants whereas they are also entitled to 40% towards future prospect in view of the judgement of Apex Court in the case of **National Insurance Company Limited Vs. Pranay Sethi and Others 2017 (16) SCC 680.**

4. Per contra, learned counsel for the respondents submits that compensation awarded by the Tribunal is just and proper and does not call for any interference by this Court in appeal. It is further submitted that Tribunal has erred in applying the multiplier of 17

whereas considering the age of the deceased, Tribunal should have applied the multiplier of 16 in view of the judgment of the Apex Court in the case of **Sarla Verma and others Vs. Delhi Transport Corporation and others 2009 (6) SCC 121** in computing the compensation.

5. I have considered the rival submissions of the parties and perused the record.

6. It is proved on record that the deceased was engaged in selling shoes, and therefore, his per day earning was not less than Rs.60/- per day i.e. Rs.1800/- per month and thus, accepting the submission of learned counsel for the claimants/appellants, it is provided that the income of the deceased should be taken to be Rs.1800/- per month i.e. Rs.21,600/- per annum instead of Rs.15,000/- for the purpose of computation of compensation.

7. The submission of learned counsel for the appellants/claimants in respect of future prospect has got force. Thus, following the aforesaid judgment of Apex Court in the case of **Pranay Sethi (supra)** and considering the age of the deceased, claimants/appellants are entitled to 40% towards future prospect.

8. The submission of learned counsel for the respondents with regard to wrong application of multiplier is supported by the judgment of Apex Court in the case of **Sarla Verma (supra)** and thus, it is provided that entire amount of compensation should be computed by applying the multiplier of 16 instead of 17.

9. It is also provided that enhanced amount of compensation shall carry 6% simple interest from the date of institution of claim petition till the date of its payment.

10. For the reasons given above, the appeal is partly **allowed** and award of the Tribunal is modified to the extent indicated above. Insurance company is directed to pay the enhanced amount of compensation to the claimants/appellants within a period of three months from the date of production of certified copy of this order. There shall be no order as to cost.

Order Date :- 9.11.2023

R.S. Tiwari