

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 669 of 2000

Appellant :- Smt. Anuradha And Others

Respondent :- Shri Munna And Another

Counsel for Appellant :- Narendra Singh Chahar

Hon'ble Saral Srivastava,J.

1. Heard Sri Narendra Singh Chahar, learned counsel for the claimants/appellants and learned counsel for the respondents.
2. The present appeal has been filed by the claimant/appellant for enhancement of compensation in respect of award passed in M.A.C.P. No.1106 of 1997.
3. Learned counsel for the claimant/appellant has submitted that no amount towards future prospect has been awarded by the Tribunal whereas considering the age of the deceased, claimants/appellants are 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***. It is further submitted that Tribunal has erred in applying the multiplier of 11 whereas considering the age of the deceased, Tribunal should have applied the multiplier of 18 in view of the judgement of Apex Court in the case of ***Sarla Verma and others Vs. Delhi Transport Corporation and others 2009 (6) SCC 121***. It is also urged that there were seven dependants upon the deceased, therefore, considering the judgement of the Apex Court in the case of ***Sarla Verma (supra)***, Tribunal should have deducted 1/5th towards personal expenses of the deceased instead of 1/3rd.
4. Per contra, learned counsel for the respondents would contend that compensation awarded by the Tribunal is just and proper and needs no enhancement.
5. I have considered the rival submissions of the parties and perused the record.
6. The submission of learned counsel for the claimant/appellant in respect of non-granting any amount towards future prospect has also got force in view of the judgement of Apex Court in the case of ***Pranay Sethi (supra)*** and thus, this Court, considering the age

of the deceased, awards 40% towards future prospect to the claimants/appellants.

7. So far as the submission of learned counsel for the claimants/appellants in respect of wrong application of multiplier is concerned, the said submission is supported by the judgement of Apex Court in the case of **Sarla Verma (supra)** and thus, it is provided that enhanced amount of compensation should be computed by applying the multiplier of 18 instead of 11.

8. The submission of learned counsel for the claimants/appellants with regard to deduction of 1/5th towards personal expenses of the deceased in view of the judgement of Apex Court in the case of **Sarla Verma (supra)** has got substance. Thus, it is provided that 1/5th should be deducted towards personal expenses of the deceased from the income of the deceased for the purpose of computation of compensation.

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. Thus, for the reasons given above, the appeal is partly **allowed** and the award of the Tribunal is modified to the extent indicated above. The 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 a certified copy of this order. There shall be no order as to costs.

Order Date :- 16.10.2023
Sattyarth