

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 1148 of 1995

Appellant :- Smt. Baikunthi Devi And Others

Respondent :- Ranjit Singh And Others

Counsel for Appellant :- Madhav Jain

Counsel for Respondent :- B.B.Paul,Rajeev Chaddha

Hon'ble Saral Srivastava,J.

1. No one is present on behalf of the respondent no.1 even in the revised call.

2. Heard learned counsel for the claimants/appellants and Sri Rajeev Chaddha, learned counsel for the respondent-Insurance Company.

3. The present appeal has been preferred by the claimants/appellants for enhancement of compensation against the judgement and award dated 04.08.1995 passed by the Motor Accident Claims Tribunal/II Additional District Judge, Firozabad in M.A.C. Case No. 5 of 1991.

4. Challenging the award, learned counsel for the appellants has contended that no amount towards future prospect has been awarded by the Tribunal, whereas considering the age of of the deceased i.e. 50 years, the claimants/ appellants are entitled to 25% 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 contended that there were six dependents upon the deceased, therefore, considering the judgement of the Apex Court in the case of **Sarla Verma and others Vs. Delhi Transport Corporation and others**

2009 (6) SCC 121, Tribunal should have deducted 1/4 towards personal expenses of the deceased instead of 1/3. Lastly, it is submitted that the Tribunal has erred in law in not applying the multiplier, whereas the Tribunal ought to have applied multiplier of 13 considering the age of the deceased i.e. 50 years considering the judgement of the Apex Court in the case of **Sarla Verma and others Vs. Delhi Transport Corporation and others 2009 (6) SCC 121**.

5. Per contra, learned counsel for the respondent-Insurance Company submits that the compensation awarded by the Tribunal is just and proper hence, the same does not call for interference by this Court in the appeal.

6. I have considered the submissions advanced by learned counsel for the appellant and perused the record.

7. The submission of learned counsel for the claimants/appellants in respect of future prospect has got force in view of the judgement of Apex Court in the case of **Pranay Sethi (supra)** and thus, following the aforesaid judgement of Apex Court, this Court holds that the claimants/appellants are entitled to 25% towards future prospect considering the age of the deceased.

8. The submission of learned counsel for the claimants/appellants with regard to deduction of 1/4 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 1/4 should be deducted towards personal expenses of the deceased instead of 1/3 from the income of the deceased for computation of compensation.

9. The submission of learned counsel for the claimants/appellants in respect to multiplier of 13 has got substance, and thus, following the judgement of the Apex Court in the case of **Sarla Verma (supra)**, this Court holds that enhanced compensation should be calculated by applying the multiplier of 13.

10. The enhanced amount of award shall carry 6% interest from the date of the institution of claim petition till the date of its payment.

11. For the reasons given above, the appeal is partly allowed and award of the Tribunal is modified to the extent as 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 certified copy of this order. There shall be no order as to cost.

Order Date :- 26.10.2023

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