

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 1284 of 1998

Appellant :- Pappu

Respondent :- Shri Mohd. Muslim And Another

Counsel for Appellant :- Madhav Jain

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant.
2. The present appeal has been filed by the claimant/appellant against the award dated 29.05.1998 passed by Motor Accident Claims Tribunal/VIII Additional District Judge, Agra in M.A.C. Case No.528 of 1996.
3. Challenging the said award, learned counsel for the appellant has contended that the Tribunal has erred in law in computing compensation by taking 1/3 from the income of the claimant/appellant. It is submitted that it is a case of injury, and therefore, the compensation should be computed by taking total income of the claimant/appellant. Accordingly, it is submitted that the the compensation would have been computed by taking Rs.3,000/- i.e. Rs.36,000/- per annum as income of the claimant/appellant in place of Rs.12,000/- per annum. Thus, it is submitted that the compensation awarded by the Tribunal is not adequate, and is liable to be enhanced by this Court. Lastly, it is contended that the Tribunal has erred in law in applying the multiplier of 12, whereas the Tribunal ought to have applied the multiplier of 15 considering the age of injured i.e. 36 years in view of the

judgement of the Apex Court in the case of **Sarla Verma and others Vs. Delhi Transport Corporation and others 2009 (6) SCC 121**,

4. Per contra, learned counsel for the respondents 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.

5. Be that as it may, it is a case of injury and the Tribunal should have computed the compensation by taking whole income of the claimant/appellant i.e. Rs.3,000/- per month i.e. 36,000/- per annum. Accordingly, this Court finds substance in the submission of learned counsel for the claimant/appellant, and therefore, the Tribunal is directed to calculate the compensation taking the income of the claimant/appellant to be Rs.3,000/- per month i.e., Rs.36,000/- per annum in place of Rs.1,000/- per month i.e. Rs.12,000/- per annum, and calculate the same on the basis of 50% disability suffered by the claimant/appellant.

6. The submission of learned counsel for the claimant/appellant in respect to multiplier has substance, and thus, following the judgement of the Apex Court in the case of **Sarla Verma (supra)**, this Court holds that compensation should be calculated by applying the multiplier of 15 in place of 12.

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

8. For the reasons given above, the appeal is partly allowed and award of the Tribunal is modified to the extent as indicated above.

9. The Insurance Company is directed to pay the enhanced amount of compensation to the claimant/appellant 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 :- 19.10.2023

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