

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 2281 of 2004

Appellant :- Dheerendra Kumar Verma @ Papu

Respondent :- Krishan Mohan Mishra And Others

Counsel for Appellant :- Ram Singh, Amit Kumar Sinha, Deepali Srivastava Sinha

Counsel for Respondent :- Brijendra Kumar Pandey, Kuldeep Shanker Amist, Uday Bhan Mishra

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. The present appeal has been filed by the claimant/appellant for enhancement of compensation.
3. It is submitted by the learned counsel for the claimant/appellant that no amount towards future prospect has been awarded by the Tribunal whereas considering the age of the deceased i.e. 28 years, claimant/appellant is 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 16 whereas considering the age of the deceased, Tribunal should have applied the multiplier of 17 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*** in computing the compensation. Lastly, it is urged that there were four dependants upon the deceased, therefore, considering the judgement of the Apex Court in the case of ***Sarla Verma (supra)***, Tribunal should have deducted 1/4th towards personal expenses of the deceased instead of 1/5th.
4. Per contra, learned counsel for the respondents has contended 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 future prospect and 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 claimant/appellant, considering the age of the deceased, is entitled to 40% towards future prospect.

7. So far as the submission of learned counsel for the claimant/appellant in respect of wrong application of multiplier is concerned, the said submission is also supported by the judgement of Apex Court in the case of **Sarla Verma (supra)** and thus, it is provided that enhanced amount of compensation shall be computed by applying the multiplier of 17 instead of 16.

8. The submission of learned counsel for the claimant/appellant with regard to deduction of 1/4th 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 1/4th should be deducted towards personal expenses of the deceased instead of 1/3rd from the income of the deceased for 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 claimant/appellant 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 :- 17.10.2023

Sattyarth