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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAC.APP. 128/2012 & CM No.2029/2012

PRITHVI RAJ SAINI & ORS Appellants

Through: Appellant in person

versus

KISHAN LAL & ANR Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **21.01.2016**

The appeal was part-heard in the forenoon session.

The submissions made by the counsel for the appellant mainly were that the benefit of minimum wages for a skilled worker should have been granted rather than assuming the income of the deceased notionally at Rs.15,000/- per annum. The claim petition the judgment passed in which has been appealed against was preferred by appellants and grandmother of Arun aged 20 years, who admittedly was unmarried at the relevant point of time. It was noticed that the Tribunal has adopted the multiplier of 18 having regard to the age of the deceased, which is impermissible in view of the law laid down in various binding judgments including *Sarla Verma (Smt.) & Ors. v. Delhi Transport Corporation & Anr.*, (2009) 6 SCC 121, *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54, *National Insurance Company Ltd. V. Pushpa & Ors.* (2015) 9 SCC 166 and *Reshma Kumari V. Madan Mohan* (2013) 9 SCC 65. The multiplier has to be adopted

according to the age of the claimants which in present case is higher than that of the deceased. Since the age of the father (the first appellant) was 53 years and the age of the mother (the second appellant) was 49 years, the multiplier of 11 would have been the appropriate multiplier in the present case, the grandmother having since died even during the pendency of the inquiry before the Tribunal. In the above facts and circumstances, the Tribunal appears to have fallen into a serious error in computing the compensation which, if revised, would turn out to be lower than what has been granted.

The learned counsel for the appellant sought the matter to be passed over till after lunch. After the lunch recess, the counsel has not appeared. The first appellant, however, is present and he submits that, on legal advice received, and on instruction of co-appellant, he wants to withdraw the appeal.

Given this submission by the first appellant, the appeal is dismissed as withdrawn.

The lower court be returned with the copy of this judgment.

R.K.GAUBA, J

JANUARY 21, 2016
VLD