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

Date of Decision: November 18, 2016

+ **MAC.APP. 514/2008 & C.M.18835/2009**

RADHEY SHYAM SHARMA & ANR.Appellants

Through: Mr. J.S. Kanwar, Advocate

versus

SATISH & ORS.Respondents

Through: Ms. Neerja Sachdeva, Advocate
for respondent No.3

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Impugned Award of 30th September, 2005 grants compensation of ₹1,47,000/- with interest @ 6% *per annum* to respondents-claimants, who are the parents of the unfortunate girl aged 18 years, who had died in a road accident on 9th December, 2004.

In this appeal, enhancement of compensation is sought. Learned counsel for appellants submits that the multiplier adopted by learned Tribunal is on the lower side and relies upon a decision of a co-ordinate Bench of this Court in *Chetan Malhotra v. Lala Ram*, II (2016) ACC 896 (Del.) to submit that in a similar case of death of a teenager, multiplier of 18 was applied and so, in the instant case also while applying the

multiplier of 18, awarded compensation needs to be suitably enhanced.

Regarding the rate of interest granted, it is submitted that learned Tribunal has granted interest @ 6% *per annum* which is quite low as when the accident had taken place, the rate of interest granted by the banks on fixed deposits was more than 9% *per annum*. So, it is urged by appellant's counsel that interest @ 9% *per annum* ought to be granted on the awarded amount. Thus, it is submitted by learned counsel for appellants that the awarded amount needs to be suitably enhanced. Nothing else is urged on behalf of appellants.

On the contrary, learned counsel for respondent-insurer submits that while taking into account the age of the claimants, the multiplier of 8 has been rightly applied as the father of the deceased was aged 56 years at the time of the accident. Learned counsel for respondent-insurer relies upon Supreme Court's decision in *Sarla Verma (Smt.) and Others v. Delhi Transport Corporation and Another*, (2009) 6 SCC 121, to submit that 50% towards personal and living expenses in case of a bachelor have to be deducted whereas learned Tribunal has deducted 1/3rd towards personal and living expenses and so, there is no merit in this appeal and it deserves to be dismissed.

Upon hearing and on perusal of impugned Award, record of this case and the decisions cited, I find that the grant of interest @ 6% *per annum* is certainly on the lower side and in view of the decision of a co-ordinate Bench of this Court in *Chetan Malhotra (supra)*, it deserves to be enhanced from 6% to 9% *per annum*. Impugned Award is accordingly modified to the extent that interest on the awarded amount shall be @ 9%

per annum instead of 6% *per annum*.

As regards application of multiplier is concerned, there is divergent opinion as expressed in *Reshma Kumari & Ors. v. Madan Mohan & Anr.* (2013) 9 SCC 65 and *Rajesh v. Rajbir Singh* (2013) 9 SCC 54. At this stage, it is brought to the notice of this Court that due to aforesaid conflicting decisions, the matter has been referred to a Larger Bench by the Supreme Court.

Be that as it may.

Supreme Court in *Shashikala & Ors. v. Gangalakshamma & Anr.* 2015 (2) TAC 867 (SC) has reiterated that Section 168 of the *Motor Vehicles Act* enjoins the Courts/Tribunals to make award determining the amount of compensation which was just and reasonable. In the facts and circumstances of this case, this Court finds that the application of multiplier of 8 is just and proper. Thus, I find that learned Tribunal has not erred in applying the multiplier of 8 and so on this count impugned Award cannot be faulted with. This appeal is partly allowed to the extent of modifying the impugned Award to increase the rate of interest from 6% *per annum* to 9% *per annum*. No other modification of the impugned Award is called for.

The appeal and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

NOVEMBER 18, 2016

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