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

Date of Decision: 05th May, 2016

+ **MAC.APP. 531/2007**

RAM KARAN SHARMA AND ANR

..... Appellants

Through: None.

versus

NEW INDIA INSURANCE CO.

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. On the petition (suit No.226/06 old No.190/02), instituted on 22.02.2002 invoking Sections 166 & 140 of Motor Vehicles Act, 1988 (MV Act), the motor accident claims tribunal (tribunal), by judgment dated 25.01.2007, upheld the case that Satish Sharma @ Ajay Sharma, an unmarried son of the appellant had died due to accident caused on account of negligent driving of vehicle bearing registration No.DL1P 8124 (the offending vehicle), admittedly insured against third party risk with the third respondent. In the claim petition, the driver and owner of the offending vehicle were also shown in the array as respondents. The tribunal granted compensation in the sum of ₹2,11,108/- with interest by judgment dated 25.01.2007 which amount included ₹1,86,108/- calculated as loss of dependency, computed on the assumed income of ₹2,385/- it being equivalent to minimum wages payable at that point of time to a matriculate,

from which one-half was deducted towards personal & living expenses with multiplier of 13 applied, having regard to the average age of the appellants at 47 years.

2. By the appeal at hand, the claimants submitted grievance that the compensation on account of loss of dependency has not been properly worked out. They have submitted that the deceased was a student of B.Com degree course and was earning ₹6,000/- from business and coaching. It is also their grievance that the multiplier of 22 should have been invoked as the age of the deceased was 24 years.

3. The appeal was admitted by order dated 04.03.2009. When the matter is called out, no one would appear for the appellant. This was the state of affairs even on the last date of hearing. Given the old pendency, there is no substance in any of the contentions raised.

4. The view taken by the tribunal is in accord with the law settled by Supreme Court in *Sarla Verma (Smt.) & Ors. v. Delhi Transport Corporation & Anr.*, (2009) 6 SCC 121.

5. Thus, the appeal is found unmerited and consequently dismissed.

R.K. GAUBA
(JUDGE)

MAY 05, 2016/VLD