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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP. 785/2013

NATIONAL INSURANCE CO LTD Appellant

Through: Mr. Pradeep Gaur and Mr. Amit
Gaur, Advocates

versus

SH TARA CHAND JHA & ORS Respondents

Through: Mr. Saurabh Kausal and Ms.
Pallavi S. Kaushal, Advocates for
respondent No.1.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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02.09.2016

Under *the Motor Vehicles Act, 1988*, impugned Award grants compensation of ₹7,80,902/- with interest to first respondent on account of the 80% disability suffered by him in the accident in question.

Learned counsel for appellant submits that in this appeal, relief is claimed against respondent No.1 only and respondents No.2 and 3 are *pro forma* parties and so, issuance of notice to respondents No.2 and 3 is dispensed with.

Ms. Saurabh Kaushal, Advocate, submits that he appears as a legal aid counsel on behalf of respondent No.1 and that his memo of appearance has been filed in the Registry today.

The challenge to the impugned Award in this appeal is on the ground that the compensation granted is on the higher side. Learned

counsel for appellant points out that the injured was aged 27 years at the time of the accident and as per Supreme Court's decision in *Sarla Verma & Ors. Vs. Delhi Transport Corporation*, (2009) 6 SCC 121 for the age group of 25 to 30 years, multiplier of 17 has to be applied whereas Trial Court in the impugned Award has applied multiplier of 18.

The aforesaid position of the law is rightly not disputed by the counsel for the contesting respondent, who submits that even if multiplier of 17 is applied, still the compensation payable to first respondent would be ₹7,54,186/-. This is not disputed by the counsel for appellant.

After having heard the counsel for the parties and on perusal of impugned Award and the material available on record as well as the decision cited, I find that the application of multiplier of 18 was uncalled for and by applying multiplier of 17, the compensation payable to first respondent comes to ₹7,54,186/-.

To the aforesaid extent, the impugned Award stands modified and this appeal is accordingly disposed of. The excess amount deposited by appellant be released to the appellant alongwith interest. The statutory amount of ₹25,000/- be also returned to the appellant.

The appeal stands disposed of accordingly.

SUNIL GAUR, J

SEPTEMBER 02, 2016
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