HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE P. KESHAVA RAO

M.A.C.M.A.No. 4532 OF 2008

ORDER: (Oral)

(Per Hon'ble Sri Justice *SURESH KUMAR KAIT*)

Vide the present appeal, the appellants have challenged the order dated 25.07.2008 passed in M.V.O.P.No.807 of 2006 on two grounds; that admittedly the deceased was bachelor aged 26 years and 2/3rd of earnings are deducted towards personal expenses of deceased, whereas, as per the judgment in **National Insurance Company Limited v. Pranay Sethi and others** in Civil Appeal No.6961 of 2014, personal expenses are to be deducted @ 50% of earnings, in case the deceased is a bachelor.

The learned counsel for the appellants further argued that the learned Tribunal while awarding the compensation, has applied the multiplier 11; whereas, as per the aforesaid judgment the multiplier 15 is to be applied.

The learned counsel appearing on behalf of the 2nd respondent-Insurance Company does not dispute the submissions made by the learned counsel for the appellant and submits that as the deceased is a bachelor, 50% of earnings are to be deducted towards personal expenses instead of 2/3rd and multiplier 15 should be applied instead of 11.

In our considered view, the claim of claimants is that the deceased was earning Rs.24,271/- per month. The permissible deduction i.e., 50% is Rs.12,135=50 (Rs.24,271/- x 50/100 = Rs.12,135=50). Thus, the contribution of deceased to the family is determined at Rs.12,135=50 per month which comes to Rs.1,45,626/- per annum (Rs.12,135=50 x 12 = Rs.1,45,626/-). Applying the multiplier 15, the amount comes to Rs.21,84,390/-. Therefore, the loss of dependency is determined at Rs.21,84,390/-. The Tribunal granted Rs.15,000/- towards loss of estate, Rs.3,000/- towards funeral expenses and Rs.3,000/- towards transportation. Thus, with the enhancement now made, the compensation amount comes to Rs.22,05,390/- (i.e., Rs.21,84,390/- towards loss of dependency + Rs.15,000/- towards loss of estate + Rs.3,000/- towards funeral expenses + Rs.3,000/- towards transportation).

Accordingly, the appeal is allowed in part, by determining the compensation payable to claimants at Rs.22,05,390/-. The respondents shall pay the said amount along with interest @ 7.5% per annum from the date of petition till the date of deposit. No order as to costs.

Miscellaneous petitions, if any, shall stand closed.

SURESH KUMAR KAIT, J

P. KESHAVA RAO, J

Date: 09.11.2017
ES/CCM