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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No. 1496 of 2014

Date of Decision: 08.11.2017

Mini Rajpal and another

. . . Appellant

Versus

Magej Singh and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Pankaj Jain, Advocate
for the appellants.

Mr. Rajneesh Malhotra, Advocate
for respondent No.3-Insurance Company.

B.S. Walia, J. (Oral)

1. Appeal seeks enhancement of the compensation of Rs.8,98,000/- awarded to the appellants and proforma respondent No. 4.

2. Appeal is on two grounds i.e. of multiplier of 15 having been applied instead of the applicable multiplier of 16 in terms of the decision of the Hon'ble Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another 2009 ACJ 1298 (SC)** secondly; on account of income having been wrongly assessed at Rs.4,600/- per month whereas the same was required to be assessed higher by taking into account that the

deceased was a skilled labourer. However, at the time of arguments, learned counsel for the appellants confined his claim to the incorrect multiplier having been applied.

3. Learned Counsel for the appellants states that the appellants would be satisfied if the claim with regard to correct multiplier is accepted.

4. Admittedly, the deceased Anil Kumar was 35 years old of age. As per paragraph No. 21 of the decision of the Hon'ble Supreme Court in **SarlaVerma and others** case (supra) multiplier of 16 is to be applied where the age of the deceased was between 31 to 35 years. Paragraph No. 21 of the decision of the Hon'ble Supreme Court in **SarlaVerma and others** case (supra) is reproduced as under:

“We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

5. Learned Counsel for respondent No.3 has not been able to dispute either the age of the deceased i.e. 35 years or the applicability of the multiplier 16 in terms of the decision of the Hon'ble Supreme Court in SarlaVermas case (supra).

6. Accordingly, the award is modified. Instead of multiplier of 15, compensation will be payable by applying the multiplier of 16. Resultantly, instead of sum Rs.8,28,000/- awarded by the learned Tribunal compensation payable now would work out to Rs.8,83,200/- towards dependency after deduction of one-third towards personal expenses ($4600 \times 12 \times 16 = 8,83,200/-$). No other claim has been pressed.

7. Compensation awarded under conventional heads i.e. Rs.20,000/- for funeral expenses and transportation of dead body of the deceased and amount of Rs.50,000/- towards loss of consortium will remain the same, since no cross appeal has been filed by the Insurance Company. Accordingly, the appeal is allowed in the aforementioned terms and the award of the Tribunal is modified to the extent that the appellants are held entitled to total compensation of Rs.9,53,200 ($Rs.8,83,200 + 20,000 + 50,000 = 9,53,200/-$) along with interest @7.5% per annum w.e.f. from the date of filing of the claim petition till payment less amount if any already paid.

8. Appeal allowed in the aforementioned terms.

[B.S. WALIA]
JUDGE

November 08, 2017.
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Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No