

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

FAO No. 8925 of 2014

DATE OF DECISION : 06.11.2017

Vinod Ratti and others

.... APPELLANTS

Versus

Davinder Singh and another

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Manish Bansal, Advocate,
for the appellants.

Mr. Gaurav Gupta, Advocate,
for respondent No.2.

* * *

AVNEESH JHINGAN, J. (Oral)

The present appeal is for enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal'), because of death of Gurmeet Singh, aged 58 years in a motor vehicular accident that occurred on 18.04.2013.

The issue raised in the present appeal is that a multiplier of 6 has been wrongly applied, where the deceased was 58 years old. The said issue raised is squarely covered by the decision of the Hon'ble Apex Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another,** (2009) 6 SCC 121. So far as multiplier is concerned, the said decision has been approved by the Five Judges' Bench of the Hon'ble Apex Court in the

latest decision in *National Insurance Company Limited Vs. Pranay Sethi and others*, Special Leave Petition (Civil) No. 25590 of 2014, decided on 31.10.2017.

In the present appeal, since there is no dispute on facts, the only issue to be determined is with regard to the multiplier to be applied in case deceased is 58 years of age.

As per the decision in *Sarla Verma's case* (supra), in such a case multiplier of 9 is to be applied. Since there is no dispute on the facts, the same are not being reproduced. Only the loss of dependency is being re-calculated by taking the income of the deceased, as assessed by the Tribunal. The deduction for self expenses made by the Tribunal is also not disputed and same is also being applied as it is. The loss of dependency is re-calculated as under :-

Monthly income	₹ 22,167/-
Less deduction for self expenses	₹ 11,083.50 @ 50%
Loss of dependency by applying multiplier of 9	11083.50 x 12 x 9 = 11,97,018/-

In view of the above, the award dated 24.04.2014 is modified to the extent that the amount of ₹ 7,98,012/- awarded by the Tribunal for loss of dependency is enhanced to ₹ 11,97,018/-.

The claimants shall be entitled to the enhanced amount of ₹ 3,99,006/- along with interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

No other issue was argued.

The appeal is partly allowed and disposed of in the above terms.

November 06, 2017
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No