

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 7789 of 2015 (O&M)

Date of Decision: 7.11.2017

Smt. Sunita

.....Appellant

Versus

Satish Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep Kumar Sharma, Advocate
for the appellant .

Ms. Vandana Malhotra, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.

The only issue raised in the present appeal is that the Vinay-
(deceased) was 22 years of age and the Tribunal has wrongly applied
multiplier of 14 instead of 17.

The issue raised is covered in favour of the appellant by the
judgment of Hon'ble the Apex Court in **National Insurance Company
Limited Versus Pranay Sethi and others Special Leave Petition (Civil) No.
25590 of 2014 decided on 31.10.2017.**

The relevant part whereof reads as under:

44. As far as the multiplier is concerned, the claims tribunal
and the Courts shall be guided by Step 2 that finds place in
paragraph 19 of Sarla Verma read with paragraph 42 of the said
judgment. For the sake of completeness, paragraph 42 is
extracted below :-

“42. 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.”

The bare facts necessary for adjudication of the present appeal are as under:

On 9.9.2013 Vinay aged 22 lost his life in a motor vehicular accident involving motor cycle bearing registration No.DL-45-BG-0855 and truck bearing registration No.HR-46-B-7011. He was taken to PGIMS Rohtak, but was declared brought dead. FIR was registered on 9.9.2013 at Police Station Sampla. The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the unfortunate parents, who lost their young son.

The Motor Accidents Claims Tribunal, Rohtak, (for short 'the Tribunal') vide award dated 28.7.2015, awarded a sum of Rs.5,79,000/- alongwith interest of rate of 8% per annum.

The facts have not been disputed by the parties.

Learned counsel for the appellant raised the contention regarding the Tribunal applying the wrong multiplier as per age of the deceased as he was 22 years at the time of alleged accident.

Learned counsel for the Insurance Company though defended the award but could not raise any serious issue in view of the above referred decision with regard to multiplier as deceased was undisputedly 22 years of age.

The loss of dependency is recalculated below, taking into consideration the income assessed by the Tribunal and the deduction made for self expenses.

Monthly income Rs.6000/-

1/2 deduction for self expenses =Rs.3000/-

$3000 \times 12 \times 17 = 6,12,000/-$

The award dated 28.7.2015 is modified to the extent that loss of dependency awarded of Rs. 5,04,000/- is enhanced to Rs. 6,12,000/-. The claimant shall be entitled to enhance amount of Rs.1,08,000/- alongwith interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the above terms.

(AVNEESH JHINGAN)
JUDGE

7.11.2017.
reema

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No