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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.915 of 2015
Date of Decision : 13.11.2017

SARITA DEVI AND OTHERS

....APPELLANTS

VERSUS

KULWINDER SINGH AND OTHERS

....RESPONDENTS

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

Present: Mr. Dheeraj Narula, Advocate for the appellants.

Mr. Suman Jain, Advocate
for respondent No.3-Insurance Company.

B.S. WALIA, JUDGE (ORAL)

[1] Learned counsel for the appellants has raised a two fold plea on behalf of the appellants. Firstly, instead of taking the age of the deceased into account, age of the claimants was taken into account for working out the compensation. Secondly, in view of the deceased being 20 years old, multiplier of 15 was wrongly applied instead of applying multiplier of 18.

[2] As per decision of the Constitution Bench of the Hon'ble Supreme Court in 'National Insurance Company Limited versus Pranay Sethi and others', SLP (Civil) 25590 of 2014, decided on 31.10.2017, it is the age of the deceased which is to be taken into account and not the age of the claimants for working out the compensation payable.

[3] Hon'ble Supreme Court in 'Sarla Verma versus Delhi Transport Corporation', 2009 ACJ 1298, laid down the multiplier applicable for different age groups. For the age group 15 to 20, multiplier of 18 is

applicable. Relevant extract of the decision as referred to above is reproduced as under:-

“21. We therefore hold that the multiplier to be used should be 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.”

[4] Learned counsel for the respondent has not cited any judgment contrary to the judgments cited by learned counsel for the appellants.

[5] I have considered the submissions as well as judgments cited. As per paragraph No.61 (vii) of the Constitution Bench decision of the Hon'ble Supreme Court in 'National Insurance Company's case (Supra), multiplier is to be applied with reference to the age of the deceased and not with reference to the age of the claimants. Further as per paragraph No.21 of the decision of the Hon'ble Supreme Court in Sarla Verma's case (Supra) multiplier of 18 is applicable on account of deceased being 20 years old at the time of his death.

[6] Accordingly, the finding of the learned Motor Accident Claims Tribunal taking the age of the claimants' mother for applying the multiplier is reversed and it is held that it is the age of the deceased which is to be taken into account for applying the multiplier. Since the deceased was 20 years old on date of death, multiplier applicable would be 18 instead of 15. In the circumstances, compensation awarded will be enhanced as under :

Sr. No.	Heads	Calculation as per MACT	Revised Calculations in FAO.
i	Income of deceased Monu @ Gaurav	Rs. 5000/- p.m.	
ii	Add 50 % future prospects	Rs. 2500/- p.m.	
iii	½ of (ii) deducted as personal expenses of the deceased bachelor.	Rs. 7500 – 3750 = 3750 p.m.	
iv	Compensation after multiplier of 15 is applied – Loss of dependence.	Rs. 3750 x 12 x 15= Rs. 6,75,000/-	Rs. 3750 x 12 x 18= Rs. 8,10,000/-
v	Love and affection (deceased being son of claimants)	Rs. 50,000/-	No change
vi	Funeral expenses	Rs. 25,000/-	No change
vii	Total compensation awarded	Rs. 7,50,000/-	Rs. 8,85,000/-

[7] Thus with revised multiplier of 18, dependence would work out to Rs.8,10,000/- (3750 x 12 x 18) plus interest @ 8% per annum, total Rs. 8,85,000/-. Accordingly, appellants would be entitled to total compensation of Rs. 8,85,000/- alongwith interest @ 8 % p.a. w.e.f date of filing of the claim petition till date of payment less amount already paid.

[8] Award of the learned Motor Accident Claims Tribunal is modified to the extent as noted above.

[9] Appeal allowed with aforementioned modification.

(B.S. WALIA)
JUDGE

November 13, 2017
rajneesh

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No