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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Decided on: 10<sup>th</sup> November, 2017*

+ **MAC APPEAL 199/2012**

**MANJU DEVI & ORS.**

..... Appellants

Through: None

versus

**SAFIQ & ORS.**

..... Respondents

Through: Mr. Shaumik Mazumdar, Adv.  
for R-3

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**JUDGMENT (ORAL)**

1. On the accident claim case (case no.303/2011) instituted on 08.04.2011 by the appellants the Motor Accident Claims Tribunal (Tribunal), by judgment dated 21.10.2011, awarded compensation in their favour on account of death of Manoj Kumar @ Manoj Mahto in a motor vehicular accident that had occurred on 11.03.2011 due to the negligent driving of truck bearing registration no.HR-38G-1862 which was admittedly insured against third party risk with the third respondent (insurer), the liability to pay having been fastened upon the latter. It may be mentioned here that in calculating the said amount of compensation, the tribunal took note of the fact that the deceased was 41 years old and, thus, applied the multiplier of 14 and having regard

to the fact that there were 6 claimants, it made deduction of one-fourth towards personal and living expenses.

2. The present appeal was filed seeking enhancement of compensation primarily taking exception to the application of multiplier and deduction, the contention of the appellants being that the loss of dependency should have been worked out with the multiplier of 15 and the deduction should have been to the extent of one-fifth.

3. The appeal was put in the list of regulars, to come up on its own turn by order dated 03.02.2016. When it is taken up for hearing, there is no appearance for the claimants (appellants). It is noted that the appellants had not appeared even on the last three consecutive dates of hearing when the matter had come up before the court.

4. The learned counsel for the insurer has been heard. The choice of multiplier and the rate of deduction are in accord with the decision of the Supreme Court in *Sarla Verma & Ors. v. Delhi Transport Corporation & Anr.*, (2009) 6 SCC 121.

5. The appeal is, thus, dismissed.

**R.K.GAUBA, J.**

**NOVEMBER 10, 2017**

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