

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SMT. JUSTICE T.RAJANI**

MACMA. No.140 of 2016

JUDGMENT: (Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present appeal, the appellant-Insurance Company has challenged the award dated 15.05.2015 passed in MVOP.No.962 of 2013 whereby the learned Tribunal awarded compensation to the tune of Rs.33,94,240/- with interest at 7.5% per annum.

Learned counsel for the appellant has admitted that at the time of accident that the deceased was 40 years. However, the multiplier '15' was wrongly applied.

The second ground he has argued is that the wife of the deceased was appointed on compassionate job and the learned Tribunal has not considered the same, while adding 30% future prospects in the income of the deceased.

As per the decision in **SARLA VARMA v. DELHI TRANSPORT CORPORATION**¹ up to the age of 40 - 50 years multiplier applicable is '15' and therefore, there is nothing wrong in applying '15' multiplier in the present case.

There is a catena of the judgments of this Court and the Supreme Court that if the family member of the deceased is appointed on a compassionate appointment that is not to be taken into consideration and award shall be awarded independently. In the present case, the deceased was 40 years, at the time of the

¹ (2009) 6 SCC 121

accident, and the learned Tribunal has rightly added future prospects at 30% while calculating the award.

In view of the above, we find no irregularity and illegality in the award. Finding no merit in the appeal, this appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE SURESH KUMAR KAIT

Date: 12.04.2018
LSK

JUSTICE T. RAJANI

