$~17-20 & 24, 25, 29, 30, 31

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

% *Decided on: 25.07.2019*

\+ MAC.APP. 785/2018 & CM APPL. 35853/2018

LAL CHAND ..... Appellant

versus

RELIANCE GENERAL INSURANCE CO LTD & ANR

..... Respondents

\+ MAC.APP. 1063/2018

KAMLESH DEVI ..... Appellant

versus

RELIANCE GENERAL INSURANCE COMPANY & ANR

..... Respondents

\+ MAC.APP. 790/2018 & CM APPL. 35878/2018

LAL CHAND ..... Appellant

versus

RELIANCE GENERAL INSURANCE CO LTD & ANR

..... Respondents

\+ MAC.APP. 103/2019

BRAHAM PRAKASH & ORS ..... Appellants

versus

VED PARAKASH & ANR (RELIANCE GENERAL INSURANCE CO LTD)

..... Respondent

+ MAC.APP. 1076/2018

SUMITRA DEVI (SINCE DECEASED) THR LRS .... Appellants

versus

RELIANCE GENERAL INSURANCE COMPANY LTD

..... Respondent

+ MAC.APP. 51/2019 & CM APPL. 911/2019

VED PRAKASH & ORS ..... Appellants

versus

VED PRAKASH & ANR (RELIANCE GENERAL INSURANCE CO LTD) ..... Respondents

+ MAC.APP. 323/2019 & CM APPL. 10018/2019

UDAIBIR & ORS ..... Appellants

versus

RELIANCE GENERAL INSURANCE COMPANY LTD & ANR

..... Respondents

+ MAC.APP. 324/2019 & CM APPL. 10020/2019

SOM DUTT & ANR ..... Appellants

versus

RELIANCE GENERAL INSURANCE CO LTD & ANR

..... Respondents

\+ MAC.APP. 328/2019 & CM APPL. 10083/2019

SUMIRTA DEVI ..... Appellant

versus

RELIANCE GENERAL INSURANCE COMPANY LTD & ANR ..... Respondents

Through: Mr. Partap Singh and Mr. Sandeep Kaushik, Advocates for Appellants.
Mr. Rajeev M. Roy, Advocate and Mr P. Srinivasan, Advocate for Respondent.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. The appellant impugns the award of compensation dated 07.10.2017.

2. Almost 9 years ago, on 01.08.2010, 24 persons lost their lives in a motor vehicle accident. Sixteen claims were filed seeking compensation. These nine petitions arise from the same batch of cases in which compensation has been granted but the amount was made payable by the owner of the vehicle. The insurance company was exonerated and not held liable for the payments. However, in MAC Appeal No. 81/2018 ***Bhom Singh & Ors. Vs. Reliance General Insurance Company Limited and Anr.*** along with MAC appeals 82/2018, 83/2018, 84/2018, 87/2018 and 90/2018 arising out of the same impugned order, this Court vide order dated 27.07.2018 has already held that the insurance company shall pay the amount and recover the monies from the owner of the vehicle. The said judgment was impugned by the respondent-insurance company before the

Supreme Court by way of a Special Leave Petition, but it was dismissed. In other words, the order directing the insurer to pay the monies first and then recover the amounts from the owner of the vehicle has attained finality. Accordingly, the order dated 27.07.2018 would apply to the present case as well. Let it be complied with in the present in these appeals also.

3. Additionally, the appellant impugns the award on the ground that it awards compensation less than what is due in law. It is not in dispute that in view of the decision of the Supreme Court in ***National Insurance Company Ltd. vs Pranay Sethi & Ors.*** (2017) 16 SCC 680, compensation for loss towards future prospects would be payable to the claimants at the rate of 40% because all of them were under the age of 40 years and were self-employed. Under the non-pecuniary heads, they were awarded Rs. 1,00,000/- towards 'loss of love and affection', Rs. 25,000 and Rs. 10,000/- each for funeral expenses and loss of estate. In terms of ***Pranay Sethi (supra),*** compensation towards funeral expenses and loss of estate is Rs. 15,000/-. Furthermore, following the dicta of the Supreme Court in ***Magma General Insurance Co. Ltd. Vs Nanu Ram alias Chuhru Ram & Ors,*** Civil Appeal No. 9581/2018, compensation for 'loss of consortium' either filial or spousal @ Rs. 40,000/- to each of the claimants shall be paid and Rs. 50,000/- each would be payable to them towards 'loss of love and affection'.

4. Mr. Jha learned counsel for the appellant submits that in each of the cases, instead of adopting the multiplier according to the age of the deceased, the impugned order has erred in applying the multiplier in terms of the age of the parents. The aforesaid formula adopted by the learned Tribunal is evidently erroneous as per the dicta of ***Pranay Sethi (supra).***

5. It is now settled law that the applicable multiplier shall be:

Age of the deceased	**Multiplier scale in *UPSRTC Vs. Trilok Chandra* JT 1996(5) SC 356 as clarified in *New India Assurance Co. Ltd. Vs. Charlie* [2005 (10) SCC 720]**
(1)	**(4)**
Upto 15 yrs.	**-**
15 to 20 yrs.	**18**
21 to 25 yrs.	**18**
26 to 30 yrs.	**17**
31 to 35 yrs.	**16**
36 to 40 yrs.	**15**
41 to 45 yrs.	**14**
46 to 50 yrs.	**13**
51 to 55 yrs.	**11**
56 to 60 yrs.	**09**
61 to 65 yrs.	**07**
Above 65 yrs.	**05**

6. In terms of the aforementioned schedule, the learned counsels for the parties agree that the relevant multiplier in each case would be:

Item No.	**Case No.**	**Name of Deceased**	**Age**
17	MAC. APP. 785/2018 (MACT. NO. 356426/2016)	Madan Kumar s/o Lal Chand	22 Years
18	MAC. APP. 1063/2018 (MACT. NO. 356370/2016)	Jitendar s/o Late Jaipal Singh	19 Years
19	MAC. APP. 790/2018 (MACT. NO. 356353/2016)	Kuldeep s/o Lal Chand	24 Years
24	MAC. APP. 1076/2018 (MACT. NO. 356369/2016)	Gajender s/o Late Brahma Prakash	18 Years
25	MAC. APP. 51/2019 (MACT. NO. 356670/2016)	Manoj	21 Years
29	MAC. APP. 323/2019 (MACT. NO. 356410/2016)	Anil Kumar s/o Udaibir	24 Years
30	MAC. APP. 324/2019	Ram Prakash s/o	25 Years

	(MACT. NO. 356371/2016)	Soum Dutt	
31	MAC. APP. 328/2019 (MACT. NO. 356425/2016)	Harish s/o Mahesh	22 Years

7. The appellant in MAC APP. No. 785/2018, has filed a death certificate of Smt. Sona Devi, the mother of the deceased, which shows that she passed away on 29.05.2014 and the husband was the sole appellant. In the circumstances, the monies shall be payable only to the sole appellant viz. Lal Chand according to the scheme of disbursement specified therein.

8. Let the aforesaid same amounts be worked out in each of the case by insurance company within a period of 1 month from the date of receipt of this order and copy of the same be supplied to the appellants and their respective learned counsels. The computed amounts shall also be deposited in the same time before the learned MACT for disbursement as per the scheme of disbursement specified in the award.

The appeals are disposed-off in terms of the above.

NAJMI WAZIRI, J.

JULY 25, 2019
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