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

% *Decided on: 23.10.2019*

+ **MAC.APP. 1100/2018**

SBI GENERAL INSURANCE CO LTD Appellant

Through: Mr. Sameer Nandwani, Advocate.

versus

KAMLA DEVI @ KAMLA RAWAT & ORS Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. Notice has been served upon the parties.
2. This appeal impugns the award of compensation dated 09.10.2018 passed by the learned MACT in Suit No. 224/14, on the ground that there is an error in the computation of the amount payable to the claimants. The age of the deceased was 42 years at the time of the motor vehicular accident, he had not attained the age of 50 years, therefore, the multiplier of 14 would be applicable in lieu of 15. The error is obvious in terms of the dicta of the Supreme Court in *Sarla Verma v. Delhi Transport Corporation* (2009) 6 SCC 121.

3. Accordingly, compensation towards 'loss of dependency' is calculated as under:-

Rs. 93,600/- (annual income) + Rs. 23,400/- (25% towards loss of future prospects) = Rs. 1,17,000/- less Rs. 29,250/- (¼ deduction towards personal deduction)= Rs. 87,750/- x 14 (multiplier)= Rs. 12,28,500/-.

4. The amount payable under non-pecuniary heads shall remain as awarded in the impugned order.

5. Let the enhanced amount in addition to the amount already awarded by the impugned order, alongwith interest @ 9% from the date of filing of the claim petition till its realisation, be deposited before the learned Tribunal within three weeks from date of receipt of copy of this order, to be released to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.

6. The appeal is disposed-off in the above terms.

7. The statutory amount, alongwith interest accrued thereon, be returned to the appellant.

NAJMI WAZIRI, J

OCTOBER 23, 2019

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