2023:DHC:8562

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

Date of decision: 30.11.2023

\+ **MAC.APP. 828/2018 & CM APPL. 37887/2018**

U P STATE ROAD TRANSPORT CORPORATION
.... Appellant
Through: Mr.Shabad Khan, Adv.

versus

SUSHMA @ SAVITRI & ORS ..... Respondents
Through: Mr.Gaurav Seth, Mr.Vipin Malik, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed challenging the Award dated 05.06.2018 (hereinafter referred to as the 'Impugned Award') passed by the learned Motor Accidents Claims Tribunal, (Shahdara-District), Karkardooma Courts, Delhi (hereinafter referred to as the 'Tribunal'), in MAC No.1544 of 2016, titled as ***Sushma @ Savitri & Anr. v. Sahid Khan & Anr***.

2. By the Impugned Award, the learned Tribunal has awarded compensation in favour of the respondent nos.1 and 2 herein under Section 163-A of the Motor Vehicles Act, 1988, as was then applicable (hereinafter referred to as the 'Act').

3. The learned counsel for the appellant submits that the claimants

are the grandmother and the younger brother of the deceased Sh.Sandeep, who was aged 18 years at the time of the accident. He submits that they cannot be treated as dependents on the deceased.

4. He further submits that in terms of the Second Schedule to the Act, a multiplier of '16' was to be adopted for determining the compensation payable.

5. On the first issue raised by the learned counsel for the appellant, I find no merit.

6. The 'Note' appended to the Second Schedule provides that the amount of compensation arrived at in case of fatal accident claims, by applying the table in the Second Schedule, shall be reduced by $1/3^{rd}$ in consideration of the expenses, which the deceased would have incurred towards maintaining himself had he been alive. The deduction is not based on the number of dependents on the deceased, but is uniform in nature.

7. The learned Tribunal has, therefore, rightly deducted $1/3^{rd}$ of the compensation towards personal expenses of the deceased.

8. On the second issue, however, I find merit.

9. There is no dispute that the deceased was aged 18 years at the time of the accident. Therefore, in terms of the Second Schedule of the Act, a multiplier of '16' should have been applied. The learned Tribunal has erred in applying the multiplier of '19'.

10. In view of the above, the appeal is partly succeeds. The compensation amount is re-determined as under:

Sl.No.	*Particulars*	*Amount*
1.	*Loss of dependency*	*Rs.40,000x16x2/3= =Rs.4,26,667/-*
2.	*Funeral charges*	*Rs.5,000/-*
	Total	***Rs.4,31,667/-***

11. By the *interim* order dated 17.09.2018, this Court had directed that subject to the appellant depositing the entire awarded amount alongwith interest with the learned Registrar General of this Court, the operation of the Impugned Award shall remain stayed qua the appellant. The said amount was directed to be deposited/converted into annual Fixed Deposit Receipts with automatic renewal.

12. Now that the compensation amount has been re-determined, the learned Registrar General of this Court shall release the compensation amount along with interest accrued thereon, in favour of the respondent nos.1 and 2 in terms of the Schedule of Disbursal.

13. As far as the excess amount deposited by the appellant is concerned, the same shall be released in favour of the appellant along with interest accrued thereon.

14. The statutory amount deposited by the appellant shall be released to the appellant along with interest accrued thereon.

15. The appeal and the pending application are disposed of in the above terms.

NAVIN CHAWLA, J

NOVEMBER 30, 2023
RN/ss

Click here to check corrigendum, if any