119

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-10097-CII-2025 in/and
FAO-2284-2022 (O&M)
Date of decision: 21.05.2025

Thambu Ram

...Appellant

Versus

Sultan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankur Tyagi, Advocate for the appellant.

Mr. D.K. Prajapati, Advocate
for respondent No.3-Insurance Company.

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VIKAS BAHL, J. (ORAL)

CM-10097-CII-2025

1. This is an application for preponement of the matter.

2. Learned counsel for the applicant-appellant has submitted that the applicant-appellant is 67 years of age and is a senior citizen and is suffering from various diseases and has further submitted that a very short point is involved in the present appeal and thus, has prayed that the date of hearing in the main case be preponed from 29.10.2025 to today. It is submitted that in the present case, only the Insurance Company is the contesting party.

3. Learned counsel for the respondent No.3-Insurance Company

has submitted that he has prepared the present case and has no objection in case the date of hearing in the main case is preponed to today.

4. Keeping in view the abovesaid facts and circumstances, the present application is allowed and the date of hearing in the main case is preponed from 29.10.2025 to today and the same is taken on Board today itself for final disposal.

Main case

1. Father of the deceased-Yogesh has filed the present appeal for enhancement of the amount of compensation awarded vide award dated 02.11.2021 passed by the Motor Accident Claims Tribunal, Sonepat (hereinafter to be referred as "the Tribunal"). The only issue that arises for consideration in the present case is with respect to the amount of compensation to which the appellant-claimant is entitled to, as the other aspects have not been disputed.

2. Learned counsel for the appellant has submitted that in the present case, multiplier which had been applied by the Tribunal was "7" whereas the multiplier which should have been applied is "18", as the deceased was 23 years of age at the time of the accident which had taken place on 09.06.2019 in which the deceased had died. In the said regard, learned counsel for the appellant has highlighted para 12 of the award to show that the date of birth of the deceased was 12.09.1995 and the accident had taken place on 09.06.2019 and as such the deceased was 23 years of age at the relevant time. It is submitted that even the monthly income of Rs.9000/- which had been assessed by the Tribunal is on the lower side. It is further submitted that enhanced amount of compensation be paid to the

appellant along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation. In support of his arguments, learned counsel for the appellant has relied upon the law laid down by the Hon'ble Supreme Court in case titled as ***Sarla Verma (Smt.) and others Vs. Delhi Transport Corporation and another*** reported as ***(2009) 6 SCC 121***.

3. Learned counsel for respondent No.3-Insurance Company, on the other hand, has submitted that the plea raised by the present appellant to the effect that monthly income that had been awarded by the Tribunal i.e., Rs.9000/- should be further enhanced, is based on no evidence, thus, the said plea being meritless deserves to be rejected. It is further submitted that the rate of interest claimed by the present appellant is highly excessive and at best, the interest at the rate of 6% per annum can be awarded to the appellant on the enhanced amount of compensation.

4. Learned counsel for the appellant, after taking into consideration the objections raised by learned counsel for the Insurance Company has submitted a revised chart, relevant portion of which is reproduced hereinbelow:-

COMPUTATION

DETAILS	*BEFORE THE TRIBUNAL*	*Compensation claimed as per Sarla Verma, Pranay Sethi & Magma General Insurance*
Income	*Monthly: 9000*	*Monthly: 9000 per month*
Future Prospects	*40%*	*40%*
Deduction	*1/2*	*1/2*
Multiplier	*7*	*18*
Loss of Estate	*16,500*	*16,500*
Funeral Expenses	*16,500*	*16,500*
Loss of Consortium	*40,000*	*40,000*

Total Compensation	*6,02,200*	*14,33,800*
Interest	*7.5%*	*7.5%*
Total Amount Paid	*6,02,200*	*Remaining Amount: 8,31,600*

That the appellants/claimants claiming the remaining enhanced amount along with interest of 7.5% from the date of filing of claim before Tribunal.
Place: Chandigarh
Date: 21.05.2025 *Sd/-ANKUR TYAGI*
ADVOCATE
P/1002-A/2008
(COUNSEL FOR THE APPELLANTS)"

5. This Court has heard learned counsel for the parties and has perused the paper book and finds that the revised chart/computation chart as submitted by learned counsel for the appellant is in accordance with law and deserves to be upheld.

6. Hon'ble the Supreme Court in para 42 of ***Sarla Verma's case*** (Supra) had observed as under:-

> *"We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative* ***multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years),*** *reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."*

7. A perusal of the above would show that for the age of 23 years, multiplier of 18 is to be applied.

8. In the present case, multiplier of "18" as applied by the present appellant has been rightly applied as the deceased was 23 years of age at the

time of the accident and as per the settled law, the multiplier of "18" would be applicable. In view of the same, the claimant/appellant is entitled to an additional amount of compensation of Rs.8,31,600/- and the same would be released to the appellant-claimant. With respect to the rate of interest, this Court is consistently awarding rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

9. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and award dated 02.11.2021 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.8,31,600/- to the appellant along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of two months from today.

10. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

21.05.2025 **(VIKAS BAHL)**
Pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**