

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****221****FAO-1745-2022 (O&M)****Date of decision: 10.01.2025****New India Assurance Co. Ltd.****...Appellant(s)****Vs.****Kulwant Kaur and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ashwani Talwar, Advocate for the appellant.

Mr. Aakash Singla, Advocate for
respondents No. 1, 4, 5, 7 to 9, through V.C.

NIDHI GUPTA, J.

The appellant-Insurance Company has laid challenge to the Award dated 15.12.2021 passed by the learned Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as "the Tribunal") whereby in a claim petition filed by respondent No.1 under Section 166 of the Motor Vehicle Act, 1988, compensation of Rs.9,64,588/- alongwith interest @ 7% per annum from the date of filing of the claim petition till the decision, has been awarded on account of death of Sh. Sucha Singh in a motor vehicular accident that took place on 30.06.2019.

2. The short contention of the appellant-Insurance Company is that while computing the compensation payable to the claimants, the age of the deceased has been taken as 59 years on the basis of his Aadhar Card. However, in actual fact, as per the pension papers of the deceased which were duly proven on file, as also other relevant record,



age of the deceased on the date of accident was 62 years. It is submitted that the deceased was born on 15.10.1956; and the date of accident is 30.06.2019. As such, the deceased was about 62-63 years old at the time of accident. It is contended that consequentially the learned Tribunal had wrongly applied multiplier of 9; whereas multiplier of 7 ought to have been applied as laid down by the Hon'ble Supreme Court in ***"Sarla Verma V/s. Delhi Transport Corporation and anr. (2009)AIR (SC) 3104, Law Finder Doc Id # 188882."***

3. Very fairly, learned counsel for the claimants admits the above said facts to be true and admits that at the time of accident, the deceased was about 63 years of age; and therefore, multiplier of 7 ought to have been applied.

4. No other argument is raised on behalf of the parties.

5. I have heard learned counsel for the parties and carefully perused the case file. It may be pointed out that in para 18 of the impugned Award, it has been noted that the widow of the deceased/respondent No.1 herein, is the sole surviving dependent of the deceased; and the proforma respondents/respondents No. 4 to 9 herein are the independently earning sons and married daughters of the deceased who were proved to be not dependent on the income of the deceased.

6. Keeping in view the admitted position as noted above, and the fact that this is not the claimant's appeal for enhancement, the



present appeal is **allowed** in the following terms. The re-worked compensation is as follows: -

Details	Before the Tribunal	Revised Compensation
Income	Monthly: Rs.8265/- Annual: Rs.99,180/-	Monthly: Rs.8265/- Annual: Rs.99,180/-
Deduction	1/3	1/3
Future prospects	10% (as age was taken as 59 years)	No future prospects
Annual income	99,180/-	99,180/-
Multiplier	9	7
Computation	$99180 \times 9 \times 2/3 = 6,54,588/-$	$99180 \times 7 \times 2/3 = 4,62,840/-$
Loss of estate	Rs.15,000/-	Rs.18,000/-
Funeral expenses	Rs.15,000/-	Rs.18,000/-
Loss of consortium	Filial-40000 x 6 Spousal - 40,000	$Rs.48,000/- \times 7 = 3,36,000/-$
Total compensation	Rs.9,64,588/-	Rs.8,34,840/-
Interest	7% p.a. from date of claim petition and after 2 months 9%	7% p.a. from date of claim petition and after 2 months 9%

7. Pending application(s) if any also stand(s) disposed of.

10.01.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No