

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Reserved on : 16.03.2023
Pronounced on: 31.03.2023

CCROS No. 17/2011

New India Assurance Co. Ltd.Appellant(s)/Petitioner(s)

Through: Mr. Sanjay Sharma, Advocate
In CCROS No. 17/2011

vs

Maqsood Begum and others Respondent(s)

Through: Mr. Udhay Bhaskar, Advocate.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGEMENT

1. Initially the cross objections filed by the claimants/respondent Nos. 1-6 were tagged with the appeal filed by the Insurance Company against the award dated 20.10.2010, but the same were dismissed along with appeal inadvertently vide judgment dated 28.05.2019, however, judgement dated 28.05.2019 was reviewed and the cross objections were restored to original number and it was further ordered that the cross-objections shall be considered only on the issues of applicability of multiplier and future prospects.
2. These cross-objections arise out of the award dated 20.10.2010 wherein the claim petition filed by the claimants/respondent Nos. 1 to 6 and deceased claimant Maqsood Begum, for grant of compensation on account of death of one Shah Nawaz who was the son of Mohd. Amin-respondent No. 1 and brother of respondent Nos. 2 to 6 was allowed. It needs to be noted that the original respondent No. 1/claimant i.e. Maqsood Begum has

expired. These objections have been filed primarily on the ground of insufficient compensation awarded to the respondents/claimants.

3. Mr. Sanjay Sharma, learned counsel for the respondents/claimants submitted that compensation on account of future prospects of the deceased has not been granted and further that the multiplier has been wrongly applied.
4. Mr. Udhay Bhasker, learned counsel for the Insurance Company submitted that the deceased was a bachelor and as such, 50 percent of the monthly income was required to be deducted as personal expenses of the deceased, whereas the Tribunal has deducted only one-third of the monthly income towards the personal expenses of the deceased.
5. A perusal of the award reveals that the monthly income of the deceased has been taken as Rs. 7,804/- per month and one-third of the income has been deducted towards his personal expenses. Further perusal of the award reveals that the multiplier has been fixed taking into consideration the age of the mother of the deceased. The learned Tribunal has awarded a sum of Rs. 5,14,200/- as compensation to the respondents under following heads:

1. Loss of Dependency	Rs. 4,99,200/-
2. Funeral expenses	Rs. 5,000/-
3. Loss of Estate	Rs. 10,000/-
<hr/> Total:	Rs. 5,14,200/-

6. As per judgment of the Hon'ble Supreme Court in **Sarla Verma v. Delhi Transport Corporation & Anr, (2009) 6 SCC 121**, the multiplier is to be fixed in reference to the age of the deceased. As the deceased was 32 years of age, so the multiplier would be 16. Further as per **National Insurance Company Ltd vs. Pranay Sethi's judgment (2017) 16 SCC**

680, the monthly income is to be enhanced @ 50%, as the deceased was a government servant having permanent job. More so, as the deceased was a bachelor, therefore, 50% of the monthly income is required to be deducted as personal expenses. Thus the total loss of dependency would be Rs. 11,23,776/ (3902+1951x12x16). The compensation under other heads as awarded by the Tribunal shall remain the same. Thus, the respondents/claimants shall be entitled to Rs, 11,38,776/- as compensation.

7. The award is modified accordingly. The 50% of the awarded amount shall be released in favour of respondent No.1 and the remaining as per the personal law of inheritance. The Insurance Company shall deposit the enhanced amount of compensation with in the period of one month from the date of pronouncement of judgment and shall carry interest @ 6% per annum from the date of filing of cross-objections.

8. Disposed of.

**(RAJNESH OSWAL)
JUDGE**

Jammu
31.03.2023
Sahil Padha

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No