



2022 INSC 1089

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 6818 OF 2022
(ARISING OUT OF SLP (C) NO.7389 OF 2020)**

ROOPWATI & ORS.

... APPELLANTS

Versus

RAM KISHAN & ORS.

... RESPONDENTS

J U D G M E N T

Sudhanshu Dhulia, J.

1. This appeal is of the claimants, which arises out of the Impugned Judgment dated 26.09.2018 by the High Court of Punjab & Haryana at Chandigarh in an appeal against the order of Motor Accident Claims Tribunal (for short, the “Tribunal”) dated 13.05.2013.

2. The accident occurred on 22.11.2010 when the deceased Hari Ram was riding on a three-wheeler with his brother Dev Prasad from Mitrol to Palwal, Haryana. The vehicle was being driven by respondent no. 1, i.e., Ram Kishan and was insured with respondent no. 3 (IFFCO TOKIO General Insurance Company LTD.). During the journey an accident occurred and the vehicle was toppled which

resulted in grievous injuries to the body of Hari Ram. He was taken to the hospital but he succumbed to his injuries on the very next day on 23.11.2010. The claim petition was filed on his behalf by his wife, his son and his mother. The Tribunal was of the opinion that the accident did occur due to the rash and negligent driving by driver of the three-wheeler. The vehicle was insured with respondent no.3 insurance company and the liability was fixed on the insurance company by the Tribunal. The award was made on the following: -

A	Expenses incurred on the treatment of deceased during admission	Rs.13,000/-
B	Monthly income of the deceased Hari Ram	Rs.5,000/-
C	After deducting 1/4 th from the monthly income of Rs.5000/- in view dependency of deceased, the amount comes to,	Rs.3,750/-
D	Annual Income of the deceased 12= comes to	Rs.3,750/- x Rs.45,000/-
E	Multiplier of '9' is to be applied x 9 = Applied keeping in view the age of the deceased as 60 years as per Sarla Verma's case	Rs.45,000/- Rs.4,05,000/-
F	Compensation on account of last rites and transportation charges	Rs.5,000/-
G	Compensation towards loss of estate	Rs.5,000/-
H	Compensation towards loss of consortium	Rs.5,000/-
	The total amount of compensation	Rs.4,33,000/-

3. The matter was taken in appeal by the High Court which after considering the submissions of the Ram Kishan and respondent no.3 awarded them increased compensation on the opinion that the multiplier should have been thirteen instead of nine and the Tribunal was wrong in not granting any amount towards the future prospects.

4. Therefore, the High Court increased the compensation awarded to Rs. 6,55,000/- with the amount to be given at the 7.5 % interest. The change of multiplier was granted by the High Court as the age of the deceased was wrongly recorded as 60 and was found to be 50 years, based on scientific evidence. The High Court has also increased the rate of interest from 7% to 7.5%.

5. The High Court has correctly awarded the compensation and the order of the High Court needs no interference by this Court. Hence this appeal is dismissed. No order as to costs.

.....J.
[HEMANT GUPTA]

.....J.
[SUDHANSHU DHULIA]

**New Delhi,
October 14, 2022.**