



2025 :DHC :354



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 20th January, 2025

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MAC.APP. 126/2013 & CM APPL. 3268/2025**NANDAN MUKHERJEE**

S/o Shri D.C. Mukherjee,

R/o 105-A, LIG DDA Flats, Motia Khan,

Paharganj, Delhi-110005

.....Appellant

Through: Mr. Animesh Kumar, Advocate
through VC.

versus

1.

MOHD RAFIQ

S/o Shri Kalwa Qureshi,

R/o Village Athseni,

PS & Tehsil Garh Mukhteswar,

District Ghaziabad, Uttar Pradesh

.....Respondent No. 1

2.

JAI PRAKASH

S/o Shri Ram Kishan,

R/o A-9, Kewal Park Extension,

Panchvati, Delhi

.....Respondent No. 2

3.

RELIANCE GENERAL INDIA INSURANCE CO. LTD.

A-12, Mohan Cooperative Industrial Estate,

Mathura Road, New Delhi 110044,

Through Mr. Sahil Gupta,

Sr. Manager – Legal Claims

.....Respondent No. 3/Revisionist

Through: Mr. Rajeev M. Roy, Advocate for
R-3/Insurance Company through VC.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)****REVIEW PET. 30/2025**

1. The present Review Petition under Section 114 read with Order XLVII and Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the Respondent No. 3/Insurance Company seeking correction of



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the error in Paragraph-24 of the Judgment dated 05.12.2024, wherein the Multiplier of 16 has been taken even though the deceased was 39 years and 11 months old at the time of accident i.e., 15.07.2011 and the correct Multiplier should have been 15.

2. ***Issue Notice.***

3. Learned counsel appearing for the Non-Revisionist/Appellant appearing on advance Notice, accepts Notice and submits that the Multiplier of 16 has been rightly applied and the present Review Petition is liable to be dismissed.

4. **Submissions heard and record perused.**

5. The assessment of Multiplier has been considered in Paragraph-24 of the Impugned Order dated 05.12.2022. It was held as under:-

“(ii) Multiplier and Age: -

24. The Learned Tribunal has assessed the Age of the injured/Appellant as 40 years on the basis of his date of Birth mentioned in his PAN Card i.e. 14.08.1971 and thus, applied the Multiplier of 15.

25. However, since he was about 39 years and 11 months on the date of the accident. ie. 15.07. 2011, the correct multiplier of 16 would be applicable in light of the judgment of Sarla Verma v. DTC, (2009) 6 SCC 121.”

6. The ground on which the present Review has been sought is that the Multiplier of 16 has been taken even though the deceased was 39 years and 11 months old at the time of accident i.e., 15.07.2011 and the correct Multiplier should have been 15.

7. There is a typographical error in mentioning the applicable Multiplier. As per Sarla Verma vs. DTC, (2009) 6 SCC 121, a Multiplier of **15** is



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applicable for the age group of 36-40 years. Thus, it is directed that the amount for total compensation be calculated on the basis of Multiplier of '15' as under: -

$$\text{Rs. } 2,32,750/- \text{ p.a.} \times 140/100 \times 35/100 \times 15 = \text{Rs. } 17,10,712.5/-$$

8. *The total compensation is thus modified accordingly as under:*

S. No.	Heads	Amount granted by the Ld. Tribunal	Amount Modified by this Court
1.	Total Loss of Income	Rs. 1,03,195/-	Rs. 1,16,375/-
2.	Medical Expenses	Rs. 39,100/- (same)	Rs. 39,100/- (same)
3.	Future Medical Expenses (Cost of Artificial Limb and Maintenance)	Rs. 3,32,500/-	Rs. 11,00,000/-
4.	Loss of Future Earning Capacity	Rs. 10,82,500/-	Rs. 17,10,712.5/-
5.	Special Diet and Conveyance Charges	Rs. 18,000/-	Rs. 30,000/-
6.	Pain and Suffering	Rs. 1,00,000/-	Rs. 2,00,000/-
7.	Loss of Amenities	Rs. 1,00,000/-	Rs. 2,00,000/-
8.	Loss of Enjoyment of life	Rs. 1,00,000/-	Rs. 1,00,000/- (same)
9.	Disfigurement	Nil	Rs. 1,00,000/-
10.	Loss of Marriage Prospects	Nil	Nil
11.	Attendant Charges	Nil	Rs. 1,00,000/-
12.	Interest	9%	9% (same)
	TOTAL COMPENSATION	Rs. 18,75,195/-	Rs. 36,96,187.5 Rounded off to Rs. 37,00,000/-

9. **The modified awarded amount in the sum of Rs. 37,00,000/- along with interest @ 9% per annum be deposited within three weeks.**



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10. With aforesaid modification of the Judgment dated 05.12.2024, the present Review Petition is accordingly disposed of along with pending Application.

**(NEENA BANSAL KRISHNA)
JUDGE**

JANUARY 20, 2025
S.Sharma