

conviction and order of sentence which was dismissed by Additional Sessions Judge, Ludhiana vide judgment dated 17.03.2017, inasmuch as the conviction of the accused was up-held. However, the sentence was modified as under:-

Under Section 138 Negotiable Instrument Act.	To undergo rigorous imprisonment of one and half year. The accused is also liable to pay compensation under Section 357(3) Cr.P.C., to the complainant of the cheque amount i.e. Rs. 60,00,000/- (Rupees Sixty lacs only). The amount of compensation would be recoverable by the complainant as a fine as per Section 431 Cr.P.C. The amount of Rs. 1,000/- (Rs. One thousand only) already imposed as fine by the learned Trial Court will be adjusted towards the amount of compensation of Rs. 60,00,000/- (Rupees Sixty lacs only)
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3. Bhupinder Singh was taken into custody. Thereafter, the instant revision petition was filed and sentence of the petitioner was suspended during the pendency of the revision petition.

4. Now the matter has been compromised between the parties. Their statements have been recorded before the Judicial Magistrate 1st Class, Ludhiana in that regard and report has been sent by that Court along with statements of the parties. The prayer made is that in view of settlement arrived at between the parties, the revision petition be accepted and the impugned judgment of conviction and order of sentence be set-aside.

5. Resultantly, the accused is acquitted from all the charges framed against him, in view of Section 320(6) of Cr.P.C., which provides that a High Court or Court of Session acting in the exercise of its powers of revision under Section 401 may allow any person to compound any offence which such person is competent to compound under this Section.

6. In view of the compromise arrived at between the parties, and after allowing compounding of the offence, the revision petition is accepted. Resultantly, the impugned judgments dated 05.08.2016 and 17.03.2017 are set aside and accused is acquitted of the notice of accusation served upon him.

Petition allowed.

SUPREME COURT OF INDIA

Before: Dipak Misra CJI., A.M. Khanwilkar & Dr. D.Y. Chandrachud, JJ.

Civil Appeal No.7176 of 2015

Decided on : 09.02.2018

Sube Singh and Anr.

Appellants

Versus

Shyam Singh (Dead) and Ors.

Respondents

Motor Vehicles Act, 1988 (59 of 1988), Section 166 – Compensation in

motor vehicle accident case -- Deceased was 23 years of age and his parents were in the age group of 40 to 45 years – Multiplier of 18 applied, compensation worked out to Rs.6,80,400/- -- Rate of interest modified to 9% per annum instead of 6% per annum granted by the Tribunal and High Court.

(Para 2,5,6)

Cases referred:

1. Ashvinbhai Jayantilal Modi Vs. Ramkaran Ramchandra Sharma and Anr. [2015(1) L.A.R. 98 (SC)].
2. Sarla Verma (Smt.) and Others Vs. Delhi Transport Corporation And Anr. [2009 (6) SCC 121].
3. Munna Lal Jain and Anr. Vs. Vipin Kumar Sharma and Ors. [2015(3) L.A.R. 198 (SC)].
4. National Insurance Company Ltd. Vs. Pranay Sethi and Ors. [2018(1) L.A.R. 1 (SC)].

JUDGMENT

A.M. KHANWILKAR, J. –

1. The sole question to be answered in this appeal is: whether the High Court was right in applying multiplier 14 for determining compensation amount in a motor accident claim case in reference to the age of parents of the deceased whilst relying on the decision of this Court in **Ashvinbhai Jayantilal Modi Vs. Ramkaran Ramchandra Sharma and Anr.**¹ [2015 (2) SCC 180 = 2015(1) L.A.R. 98]?

2. Briefly stated, in a motor accident which occurred on 22.09.2009, Ajit Singh, who was at the relevant time 23 years of age died. His parents, who were in the age group of 40 to 45 years, filed a petition claiming compensation. The Motor Accident Claims Tribunal held that the established income of the deceased was around Rs.4,200/per month and after deduction of 50% as the deceased was unmarried, calculated the same as Rs.2,100/per month. Thereafter, it applied multiplier 15, taking the age of the “parents of the deceased” into consideration. This was challenged by the appellants by way of an appeal before the High Court of Punjab and Haryana at Chandigarh, being FAO No.330 of 2012 (O&M) which was partly allowed in relation to other heads of compensation. As regards multiplier applied for determination of loss of future income, the High Court held that multiplier 14 will be applicable. For that, the High Court relied on the decision of this Court of (Two Judge Bench) in **Ashvinbhai Jayantilal Modi** (supra). Resultantly, the appellants have filed the present appeal, questioning the correctness of the conclusion so reached by the High Court.

3. According to the appellants, the correct multiplier to be applied in the facts of the present case is 18, as the deceased was only 23 years of age on the date of accident. To buttress this submission, reliance is placed on the decision in **Sarla Verma (Smt.) and Others Vs. Delhi Transport Corporation And Anr.**² [2009 (6) SCC 121]. Reliance is also placed on the recent judgment of this Court (Three Judge Bench) in the case of **Munna Lal Jain**

and Anr. Vs. Vipin Kumar Sharma and Ors.³ [2015 (6) SCC 347 = 2015(3) L.A.R. 198], which has restated the legal position that multiplier should depend on the age of the deceased and not on the age of the dependents.

4. On the basis of the finding recorded by the Tribunal and affirmed by the High Court, it is evident that the deceased was 23 years of age on the date of accident i.e. 22.09.2009. He was unmarried and his parents who filed the petition for compensation were in the age group of 40 to 45 years. The High Court, relying on the decision in the case of **Ashvinbhai Jayantilal Modi** (supra), held that multiplier 14 will be applicable in the present case, keeping in mind the age of the parents of the deceased. The legal position, however, is no more *res integra*. In the case of **Munna Lal Jain** (supra) decided by a three Judge Bench of this Court, it is held that multiplier should depend on the age of the deceased and not on the age of the dependants. We may usefully refer to the exposition in paragraph Nos. 11 and 12 of the reported decision, which read thus:

“11. The remaining question is only on multiplier. The High Court following Santosh Devi (supra), has taken 13 as the multiplier. Whether the multiplier should depend on the age of the dependents or that of the deceased, has been hanging fire for sometime; but that has been given a quietus by another three Judge Bench decision in Reshma Kumar (supra). It was held that the multiplier is to be used with reference to the age of the deceased. One reason appears to be that there is certainty with regard to the age of the deceased but as far as that of dependents is concerned, there will always be room for dispute as to whether the age of the eldest or youngest or even the average etc. is to be taken. To quote

“36. In Sarla Verma, this Court has endeavoured to simplify the otherwise complex exercise of assessment of loss of dependency and determination of compensation in a claim made under Section 166. It has been rightly stated in Sarla Verma that the claimants in case of death claim for the purposes of compensation must establish (a) age of the deceased. (b) income of the deceased; and (c) the number of dependents. To arrive at the loss of dependency, the Tribunal must consider (i) additions/deductions to be made for arriving at the income; (ii) the deductions to be made towards the personal living expenses of the deceased; and (iii) the multiplier to be applied with reference to the age of the deceased. We do not think it is necessary for us to revisit the law on the point as we are in full agreement with the view in Sarla Verma.”

12. In Sarla Verma (supra), at paragraph 19 a two Judge Bench dealt with this aspect in Step 2. To quote:

“19. xxxx xxxxxx xxxx

Step 2 (ascertaining the multiplier) Having regard to the age of the deceased and period of active career, the appropriate multiplier should be selected. This does not mean ascertaining the number of years he would have lived or worked out for the accident having regard to several imponderables in life and economic factors, a table of multipliers with reference to age has been identified by this Court. The multiplier should be chosen from the said table with

reference to the age of the deceased.”

Considering the aforementioned principle expounded in **Sarla Verma** (supra), which has been affirmed by the Constitution Bench of this Court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**⁴ [**AIR 2017 SC 5157 = 2018(1) L.A.R. 1 (SC)**], the appellants are justified in insisting for applying multiplier 18.

5. A priori, we direct the respondents to pay compensation by applying 18 multiplier, instead of 14 applied by the High Court. In other words, considering the amount of annual contribution to the deceased's family determined at Rs.37,800/and applying multiplier 18, the compensation would work out to Rs.6,80,400/(Rupees six lakh eighty thousand four hundred only), instead of Rs. 5,29,200/determined by the High Court. The amount of compensation under other heads determined by the High Court in paragraph 5 of the impugned judgment would remain undisturbed. The rate of interest is, however, modified to 9% (nine percent) per annum instead of 6% per annum granted by the Tribunal and High Court. The order passed by the High Court stands modified to the aforementioned extent.

6. Accordingly, the appeal is allowed in the aforementioned terms with no order as to costs.

Appeal allowed.

SUPREME COURT OF INDIA

Before: A.K. Sikri & Ashok Bhushan, JJ.

Civil Appeal No. 480 of 2018

Decided on : 01.02.2018

Surinder

Appellant

Versus

Nand Lal

Respondent

Alongwith

Civil Appeal No. 481 of 2018

And

Civil Appeal No. 482 of 2018

Haryana Urban (Control of Rent and Eviction) Act, 1973 (11 of 1973), Section 13 -- Unfit and unsafe for human habitation -- Eviction petition dismissed -- Subsequent event -- Cause of action -- If the condition of the premises, as of today, is dilapidated and the appellant is correct in his submission that the *Chhajja* of the premises had fallen down, it would be open to the appellant to file a fresh petition on the aforesaid ground as these events would furnish a fresh cause of action to the appellant.

(Para 5-8)

JUDGMENT

A.K. SIKRI, J. –

These matters were listed for hearing on January 18, 2019. The counsel