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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 393/2024**

**PARVEEN GOEL ALIAS PRAVEEN KUMAR GOEL THROUGH
HIS LRSAppellant**

Through: Mr. Somnath Parashar, Advocate

versus

SH BITTU & ORS.Respondents

Through: Mr. Pankaj Seth, Advocate for R-3
(Through VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **31.07.2024**

CM APPL. 43279/2024 (Seeking condonation of delay in filing the appeal)

The instant application under 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the appellant seeking condonation of delay in filing the appeal.

For the sufficient cause being shown in the application, the same is allowed and the delay of 72 days, in filing the appeal, is condoned.

Accordingly, the application stands disposed of.

MAC.APP. 393/2024

1. The instant appeal has been filed on behalf of the appellant against the impugned award dated 29th January, 2024 for enhancement of the



compensation awarded by the learned Tribunal.

2. Learned counsel appearing on behalf of the appellant submitted that the learned Tribunal awarded the compensation to the claimant without considering the fact that the age of the deceased was less than 50 years. Therefore, the ratio of judgment passed by the Hon'ble Supreme Court in the case of ***National Insurance Company vs. Pranay Sethi & Ors.*** may be violated while calculating the claim of the claimant.

3. Learned counsel appearing on behalf of the appellant submitted that as per the ratio of ***National Insurance Company (Supra)*** for the purpose of calculation of the compensation in case where the deceased is below 50 years, the compensation shall be awarded by applying the multiplier of 13. However, in the instant case, while passing the impugned award, the learned Tribunal had applied the multiplier of 11 for the purpose of calculating the compensation.

4. Learned counsel appearing on behalf of the appellant submitted that while applying the multiplier of 13, the compensation may be enhanced by this Court while setting aside the impugned Tribunal Award.

5. It is submitted that the future aspects may also be calculated as per the record and submissions made by the complainant before the learned Tribunal.

6. Learned counsel appearing on behalf of appellant submitted that in the present matter, notice may be issued to the respondent no. 3 and the notice *qua* the other respondents may be dispensed with.

7. Heard learned counsel appearing on behalf of the parties and perused the record.

8. This Court is of the opinion that the matter requires consideration.



9. Issue notice. Learned counsel for the respondent no. 3/insurance company appearing on advance notice accepted notice.
10. Trial Court Record be requisitioned in digital form before the next date of hearing.
11. The parties are directed to file written arguments along with the convenience compilation of documents, if any, before the next date of hearing.
12. As prayed, notice *qua* the respondents other than respondents no. 3 shall be dispensed with.
13. List on 7th November, 2024.

CHANDRA DHARI SINGH, J

JULY 31, 2024
gs/aa

Click here to check corrigendum, if any