

(2014) 11 TP CK 0021
In the Tripura High Court
Case No : MAC App. No. 127 of 2008
Chhaya Debnath Vs Manik Lal Debnath

Date of Decision : 12-11-2014

Acts Referred:

Citation : (2014) 11 TP CK 0021

Hon'ble Judges : Deepak Gupta, C.J

Bench : Single Bench

Advocate : R. Dutta, Advocate for the Appellant; K. Bhattacharji, Advocate for the Respondent

Judgement

Deepak Gupta, C.J.—This appeal for enhancement of compensation is directed against the award dated 15th July, 2008 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala in T.S. (MAC) No. 312 of 2006 whereby the Tribunal has awarded a sum of Rs. 1,94,000/- along with interest @ 9% per annum in favour of the claimant.

2. The short question involved in this appeal is as to what amount of compensation the claimant is entitled.

3. Briefly stated the facts of the case are that the claimant lost her son aged about 18 years in a motor vehicle accident. She claimed that her son was earning Rs. 4900/- per month and accordingly prayed that compensation of Rs. 10,03,900/- be awarded to her.

4. The learned Tribunal assessed the income of the deceased at Rs. 3000/- per month and deducted 2/3rd for the personal expenses of the deceased and thereafter applying a multiplier of 16 awarded compensation of Rs. 1,94,000/.

5. As far as this Court is concerned, two systems of awarding compensation to parents in the case of a death of a bachelor are being followed. The first is that the 50% is deducted for the personal expenses of the deceased in which event the multiplier is applied by taking into consideration the age of the deceased. The other method is that 1/3rd is deducted but in this case the multiplier is applied by taking into consideration the age of the claimant and not the age of the

deceased.

6. In this case if the income is Rs. 3000/- and 1/3rd is deducted for the personal expenses of the deceased the datum figure is Rs. 2000/- per month or Rs. 24,000/- per year and since the mother was aged in the age group of 35 to 40 the multiplier as per Sarla Verma's case would be 15 and the compensation works out to Rs. 3,60,000/-. In addition thereto the claimant being the mother of the deceased is awarded Rs. 10,000/- for funeral expenses and Rs. 30,000/- for loss of love and affection of her son.

7. The total compensation is, therefore, assessed at Rs. 4,00,000/-. The award is accordingly enhanced from Rs. 1,94,000/- to Rs. 4,00,000/- i.e. by Rs. 2,06,000/-. The claimant is also entitled to interest on the awarded sum @ 9% per annum from the date of filing of the claim petition till deposit of the amount. It is stated that the insurance company has already satisfied the award of the learned Tribunal. It is, therefore, directed to deposit the enhanced amount of compensation along with proportionate interest thereupon in the registry of this Court within four months from today.

8. The appeal is disposed of in the aforesaid terms. No order as to costs.

Send down the lower Court records forthwith.