

(2003) 03 PAT CK 0055
In the Patna High Court
Case No : Civil Appeal No. 2593 of 2003

Manju Devi and Another

APPELLANT

Vs

Musafir Paswan and Another

RESPONDENT

Date of Decision : 31-03-2003

Acts Referred:

Citation : (2003) 03 PAT CK 0055

Judgement

1. Leave granted

2. Heard parties.

3. In this case a 13 years old boy was killed in an accident on 2.7.1998. The Motor Accident Claims Tribunal (MACT) held that the accident was as a result of the rash and negligent driving by the driver of the truck. The Tribunal, whilst awarding compensation, has fixed a sum of Rs. 90,000/- on the basis that it considered that amount to be just, proper and reasonable. The High Court dismissed the appeal in limine.

4. In the case of U.P. State Road Transport Corporation and Others Vs. Trilok Chandra and Others, it has been held by this Court that there should be no departure from the multiplier method on the ground that payment being made is just compensation. It has been held that the multiplier method must be accepted method for determining and ensuring payment of just compensation as it is the method which brings uniformity and certainty to awards made all over the country. In view of this authority, it will have to be held that the award of compensation had to be made by the multiplier method.

5. As set out in the Second Schedule to the Motor Vehicles Act, 1988, for a boy of 13 years of age, a multiplier of 15 would have to be applied. As per the Second Schedule, he being a non-earning person, a sum of Rs. 15,000/- must be taken as income. Thus, the compensation comes to Rs. 2,25,000/-.

6. We accordingly modify the award to be in a sum of Rs. 2,25,000/- with interest as awarded. The appeal stands disposed of accordingly. No order as to

costs.