
(2000) 09 PAT CK 0032
In the Patna High Court
Case No : L.P.A. No. 117 of 2000

Mostt. Meena Devi and Others		APPELLANT
	Vs	
The United India Insurance Co. Ltd. and Others		RESPONDENT

Date of Decision : 26-09-2000

Acts Referred:

Citation : (2002) 2 PLJR 494

Hon'ble Judges : Nagendra Rai, J;D.P.S. Choudhary, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The appeal is barred by limitation.
2. After having heard the learned Counsel, for the parties and having regard to the facts stated in the limitation petition, we are of the view that sufficient ground has been made out to condone the delay. Accordingly, the delay in filing the appeal is condoned.
3. Heard the learned Counsel for the parties on merit.
4. This appeal is directed against the order dated 27.11.1999 passed in M.A. No. 53 of 1999 by a learned Single Judge of this Court by which he has allowed the appeal filed by the United India Insurance Company Ltd. Respondent herein, in part and awarded the amount of compensation by applying the multiplier of 10 in place of 17 as adopted by the Tribunal while allowing the award of compensation of Rs. 2,53,260/- to the Appellants.
5. The admitted fact is that Satendra Prasad Gupta died on 9.11.1996 at about 12 Noon in motor vehicle accident. According to the Appellants, the said Satendra Prasad Gupta was aged about 31 years at that time. The Tribunal after considering the matter, adopted multiplier of 17 and allowed the aforesaid amount of compensation. The Respondent-United India Insurance Co. Ltd. filed an appeal and the learned Single Judge after taking into consideration the facts

and circumstances of the case and relying upon the decision of the Supreme Court in the case of General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others, and in the case of U.P. S.R.T.C. v. Trilok Chandra (1994) 2 SCC 362 and the catena of the decisions of the Supreme Court held as follows:

Thus, the settled law appears to be that the multiplier method should be applied and in applying the same, the correct multiplier should be found out in such a manner that compensation amount calculated in money value should be such which if invested in fixed, deposit in bank or other financial institution may fetch to the dependants the amount of dependency available to them from the annual income of the deceased. Such a method will be just for both the parties because it is well recognised since long that a death in an accident, though always a sad event should not occasion a bonanza to the dependants of the deceased by way of compensation.

6. The learned Counsel for the Appellant submitted that the learned Single Judge has not applied the correct multiplier relying upon the principle which has been referred to in the aforesaid decisions of the Supreme Court and further submitted that the correct multiplier should have been 17 and not 10 as applied by the learned Single Judge. He has also submitted that while determining the multiplier for awarding the amount of compensation, the age of the deceased is the only relevant consideration.

7. In a particular case, what multiplier should be applied depends upon the facts of the case and no hard and fixed formula can be laid down with regard to application of the multiplier. The relevant considerations are the age of the deceased and the income to be available to the family on the deposit of amount of compensation. The learned Single Judge has gone into the matter in detail and found that the multiplier of 10 should be appropriate and held that if the annual dependency of Rs. 17,280/- is multiplied by 10, the amount will be Rs. 1,72,800. The funeral expense of Rs. 2000/-, the loss of consortium at Rs. 5000/- and She loss of estate at Rs. 2500/-, as allowed by the learned Tribunal should be added to the aforesaid amount that will make the total compensation payable to the appellants as Rs. 1,82,300/-. The learned Single Judge has also given 12% interest per annum on the aforesaid amount from the date of presentation of the claim petition till the date of payment. In our view, the learned Single Judge has rightly come to the conclusion that multiplier of 10 is sufficient.

8. Accordingly, this appeal is dismissed.