

**(2004) 10 PAT CK 0004**  
**In the Patna High Court**  
**Case No : C.R. No. 890 of 2004**

National Insurance Company Ltd.

APPELLANT

Vs

Smt. Girja Devi and Others

RESPONDENT

---

**Date of Decision :** 11-10-2004

**Acts Referred:**

**Citation :** (2004) 4 PLJR 807

**Hon'ble Judges :** R.N. Prasad, J

**Bench :** Single Bench

**Advocate :** Ashok Priyadarshi, for the Appellant; Bihdhyachal Singh and Mr. Umesh Kumar, for the Respondent

**Final Decision :** Dismissed

---

## Judgement

R.N. Prasad, J.—The civil revision petition has been filed by National Insurance Company Ltd., the petitioner, against the judgment and award dated 13.2.2001/17.7.2001 passed by the Motor Vehicles Claims Tribunal, Jehanabad in Claim case No. 36/1996/7/ 1999, whereby the tribunal applying the multiplier method awarded compensation of Rs. 1,98,333/- to the claimant-opp. party payable by the owner of the bus and the petitioner jointly and severally with interest @ 6% per annum from the date of filing of the application. The victim was aged about 13 years and was a student of class VIII in Gautam Budha High School, Jehanabad at the time of accident. The accident took place on 19.5.96. He died on 23.5.96 in the hospital. The tribunal considering the evidence brought on record passed the judgment and the award impugned granting compensation as indicated above. Learned counsel for the petitioner contended that in case of death of a minor child a fixed compensation should be awarded. The court has committed error in applying the multiplier method in awarding the compensation. In support of his contention he relied upon a decision in the case of Rajnath Singh Vs. Atul Kumar Sharma and Another . On the other hand, learned counsel for the opposite party contended that the court is justified in awarding compensation adopting the multiplier method. In support of his contention he

relied upon a decision in the case of Manju Devi and Another Vs. Musafir Paswan and Another .

2. On consideration it is evident that the tribunal has applied the multiplier method and awarded compensation as indicated above. In the case of Manju Devi & Anr. (supra) the Apex Court while hearing a case of death of a boy aged about 13 years in accident has considered as to whether in such a case multiplier method for awarding compensation is permissible or not and held taking into consideration the decision in the case of U.P. State Road Transport Corporation and Others Vs. Trilok Chandra and Others, , that there should be no departure from the multiplier method on the ground that the payment being made is just compensation. The multiplier method must be an accepted method for determining just compensation as it is the method which brings uniformity and certainty to awards made all over the country. The Apex Court, in the circumstances, by applying multiplier method has awarded compensation of Rs. 2,25,000/-. In the case of Rajnath Singh (supra), relied upon by the learned counsel for the petitioner, fixed compensation of Rs. 1,00,000/- was awarded with interest @12% per annum. In view of the decision of the Apex Court, the submission of the learned counsel for the petitioner, in my opinion, cannot be accepted. Thus, on consideration as discussed above, I do not find any error in the judgment and award impugned. Accordingly, the civil revision petition is dismissed. The amount deposited by the company be released in favour of claimant.