

**(1999) 09 PAT CK 0150**  
**In the Patna High Court**  
**Case No : Misc. Appeal No. 214 of 1998**

|                                                 |            |
|-------------------------------------------------|------------|
| The Branch Manager, Oriental Insurance Co. Ltd. | APPELLANT  |
| Vs                                              |            |
| Samundra Devi and Others                        | RESPONDENT |

**Date of Decision :** 15-09-1999

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Order 41 Rule 11

**Citation :** (2000) 2 PLJR 721

**Hon'ble Judges :** Gurusharan Sharma, J

**Bench :** Single Bench

**Advocate :** Sanjay Kumar No. 1, for the Appellant; Sanjay Kumar Sinha, for the Respondent

**Final Decision :** Allowed

## Judgement

Gurusharan Sharma, J.—Heard the parties and with their consent this appeal is disposed of under Order 41 Rule 11 of the Code of Civil Procedure. Dipak Kumar Marick, aged about 18 years, lost his life in a motor accident, on 20.4.1994. He was knocked down by a bus (BEN 6588) and received fatal injury and died in course of treatment. Annual dependency was fixed at Rs. 9600/- and using 16 multiplier, amount of compensation was assessed at Rs. 1,53,600/-, plus Rs. 15,000/- was given for loss of consortium and estate.

2. It was proved that accident occurred for the fault of driver of the bus. The deceased is said to be unmarried and, therefore, there was no occasion to grant compensation for loss of consortium.

3. In General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others, , it was held that multiplier method should be applied in such a way that dependency calculated in money value should fetch amount of dependency to the claimants, if the awarded amount is deposited in Bank or other financial institution, in fixed deposit. In the present case the Tribunal while applying multiplier did not consider the aforesaid principle.

4. In my opinion, by using multiplier of 10 in this case annual dependency of Rs. 9600/- the compensation amount comes to Rs. 96,000/-, plus Rs. 4000/- for loss of estate, total amount thus comes to Rs. 1,00,000/-. If the said amount is kept in fixed deposit it would fetch interest more than the amount of aforesaid annual dependency. It would be appropriate amount of compensation in the present case. It would fetch interest of Rs. 10,000/- per annum, which would be more than the amount of annual dependency.

5. In the result, this appeal is allowed in part and amount of compensation is fixed at Rs. 1,00,000/- only. Beside this claimants shall be entitled to interest @ 12% per annum from the date of filing of claim case till payment.