

THE HIGH COURT OF TRIPURA _A_G_A_R_T_A_L_A_

MAC APP. NO.88 of 2009

The New India Assurance Company Ltd.,
Agartala Branch Office - represented by its
Branch Manager, Agartala Branch, Mantribari road,
P.S. West Agartala, District - West Tripura,
(Insurer of Vehicle bearing No.TR-01-B-4290 Savari Jeep)

..... *Appellant.*

- Vs -

1. Smti Mousumi Das (Wife)
W/o Late Biswajit Das.
2. Smt Jalpana Das (Mother),
W/o Sri Promode Ch. Das.
3. Sri Promode Ch. Das (Father),
S/o Late Aswini Das.
4. Smt Minati Das (unmarried sister),
D/o Sri Promode Ch. Das.
5. Smt. Niyati Das (unmarried sister),
D/o Sri Promode Ch. Das.

All are residence of village - West Bank of Amarsagar,
Udaipur, P.S. R. K Pur, District - South Tripura.

6. Shri Chandan Sarkar,
S/o Sri Nidhan Sarkar,
Resident of O.N.G.C.,
Kanchanpalli, P.S. Amtali,
District - West Tripura.
(Owner of vehicle bearing No.TR-01-B-4290 Savari Jeep).

..... *Respondents.*

_B_E_F_O_R_E_
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant : Mr. P Gautam, Advocate.
For the respondents : Mr. S Bhattacharji, Advocate.
Date of hearing and judgment : 16.01.2015.
Whether fit for reporting : No.

JUDGMENT & ORDER(ORAL)

This appeal by the appellant insurance company is directed against the award, dated 4th September, 2009 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala in Case No.TS(MAC)179 of 2008 whereby the learned Tribunal awarded compensation of Rs.18,30,526/- in favour of the claimants.

2. Briefly stated the facts are that the claimants are the widow, parents and sisters of deceased Biswajit Das who was aged about 26 years at the time of the accident. He was a government employee and earning salary of Rs.7,889/- per month. The learned Tribunal assessed the income by adding 50% to the actual salary in accordance with the judgment passed in *Smt. Sarla Verma and Ors. v. Delhi Transport Corporation and Anr., 2009 (6) SCC 121* and, thereafter, deducted one fourth for the personal expenses of the deceased and applied multiplier of '17'.

3. It is urged by Mr. P Gautam, learned counsel for the appellant that the learned Tribunal did not follow the judgment of the

Apex Court in *New India Insurance Company Ltd. Vs. Shanti Pathak and Ors.*, (2007) 10 SCC 1 which was by a larger Bench. *Sarla Verma's* case has now been approved by a larger Bench in *Reshma Kumari and others Vs. Madan Mohan and Anr.*, (2009) 13 SCC 64. Therefore, I find no merit in the appeal which is accordingly dismissed.

4. Send down the LCRs forthwith.

CHIEF JUSTICE

Sukhendu