# THE HIGH COURT OF TRIPURA
## A G A R T A L A

## MAC App. No. 90 of 2009

**Appellant :**

**New India Assurance Co. ltd.**
(Represented by its Branch Manager),
Mantribari Road, Agartala, West Tripura.

**By Advocate :**

Mr. A. Lodh, Adv.

**Respondents :**

**1. Smti. Bakul Rani Saha,**
W/o. Sri Narayan alias Narayan Ch. Saha

**2. Sri Narayan alias Narayan Ch. Saha,**
S/o. Late Dayal Hari Saha.

**3. Sri Suman alias Sumen Saha,**
S/o. Sri Narayan alias Narayan Ch. Saha

All are residents of West Noabadi, P.S-Bodhjungnagar, Distt.-West Tripura.

**4. Sri Rana Pratap Saha,**
S/o. Sri Ramendra Narayan Saha,
Resident of Bhati Abhoynagar, P.S-West Agartala, Distt.-West Tripura.

**5. Sri Sujit Kr. Kar,**
Sri Dhirendra Kr. Kar @ Pradip Kar,
Resident of Ujan Abhoynagar, Agartala, P.S-West Agartala, Distt. West Tripura.

**6. The National Insurance Co. Ltd.**
Akhaura Road, Agartala, West Tripura.

**By Advocate :**

Mr. P. Gautam, Adv.

**B E F O R E**
**HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

Date of hearing &
Judgment & Order : **9th March, 2015.**

Whether fit for reporting :

| Yes | No |
|---|---|
| | √ |

## JUDGMENT & ORDER (ORAL)

This appeal by the insurance company has been filed challenging the award dated 15.07.2009 passed by the learned Motor

Accident Claims Tribunal, West Tripura, Agartala in TS (MAC) No. 484 of 2007.

**[2]** The main ground raised by the insurance company is that since the deceased was a bachelor and the claimants are the parents, 50% should have been deducted for his personal expenses.

**[3]** As far as this Court is concerned, this Court has been following two methods while assessing compensation when the deceased is a bachelor and the claimants are parents. Either 50% deduction is made for the personal expenses of the deceased in which case the multiplier is applied by taking into consideration the age of the deceased. The other method is that only $^{1}/_{3rd}$ is deducted for the personal expenses of the deceased in which event the multiplier is applied by taking into consideration the age of the parents. Whatever method is applied the compensation works out approximately to be the same.

**[4]** In this case the multiplier of 13 has been applied by taking into consideration the age of the claimant-parents. Therefore, there is no error in the award. If 50% deduction has to be made then the multiplier applicable would be 18. The learned Court below has not even taken the prospects of future increase while assessing the income of the deceased. Therefore, the award in fact is on the lower side. Hence I find no merit in the appeal which is accordingly dismissed.

No order as to costs.

Send down the LCRs forthwith.

**CHIEF JUSTICE**