THE HIGH COURT OF TRIPURA
AGARTALA
MAC APP. 92 of 2010

Smti Khelan Rani Bhowmik,
W/O. Late Shankar Bhowmik,
Resident of Vill. Manughat,
P.S. and P.O. Manu, Dist. Dhalai, Tripura.

Presently residing at: C/O. Biplab Sarkar,
Resident of Vill. Nabagram, P.S. and
P.O. Airport, West Tripura Dist.

……..… *Appellant*

- Vs. –

1. Shri Sahadev Das,
   S/O. Sri Krishna Das,
   Resident of Vill. Chailengta (Lantharai Para),
   P.O. Chailengta, P.S. Lantharai Valley,
   District – Dhalai, Tripura (owner of Auto
   Bearing No. TR-01-A-0617).

2. The Oriental Insurance Co. Ltd.,
   Central Road, Kaman Chowmuhani,
   P.O. Agartala, PS-West Agartala,
   West Tripura Dist. (Insurer of Auto
   bearing No. TR-01-A-0617).

……..… *Respondents*

BEFORE

HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant	:	Mr. P.S. Roy, Advocate. Mr. N. Majumder, Advocate.
For the respondents	:	None.
Date of hearing & delivery of Judgment & order	:	24.03.2015.
Whether fit for reporting	:	No.

JUDGMENT & ORDER (ORAL)

This appeal by the claimant is directed against the award dated 05.04.2010 passed by the learned Motor Accident

Claims Tribunal in Title Suit (MAC) 446 of 2007 whereby he awarded a sum of Rs.1,70,000/- only in favour of the claimant.

2. Briefly stated the facts of the case are that the claimant is the mother of deceased Nandan Bhowmik, who died in the motor vehicle accident. According to the mother, the deceased was earning Rs.5,000/- per month. The learned Tribunal took the income of the deceased at Rs.2,500/- per month deducted 50% for the personal expenses of the deceased and applying a multiplier of 11 assessed the compensation at Rs.1,65,000/- and in addition thereto awarded Rs.5,000/- for funeral expenses i.e. Rs.1,70,000/.

3. On behalf of the claimant, it is submitted that the claimant had produced a document to show that the deceased was employed with a contractor, but this document had not been proved.

4. Be that as it may, the deceased was a young 25 years old. He was able bodied and even in the year 2006 he would not have earned less than Rs.100/- per day and taking into consideration his future prospects I assessed the income at Rs.150/- per day or at Rs.4,000/- per month.

5. 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.

6. In the present case, the age of the mother had not been proved exactly, but there is no dispute that the age of the deceased was 25 years. Therefore, I deduct 50% of Rs.4,000/- which means the loss of the mother is Rs.2,000/- per month or Rs.24,000/- per year. Since the deceased was aged 25 years multiplier 18 is applicable and the compensation works out to **Rs.4,32,000/-.** In addition thereto the claimant is awarded **Rs.8,000/-** for funeral expenses and **Rs.25,000/-** for the loss of her son. Therefore, the total compensation is works out to **Rs.4,65,000/-**. Therefore, the award is enhanced from **Rs.1,70,000/-** to **Rs.4,65,000/-** (Rs.4,32,000/- + Rs.8,000/- + Rs.25,000/-) i.e. by **Rs.2,95,000/-**.

7. The claimant shall also be entitled to interest on this entire awarded amount @ 7.5% per annum from the date of filing of the claim petition till payment/deposit of the awarded amount.

8. The appeal is disposed of. Send down the L.C.Rs forthwith.

CHIEF JUSTICE

sima