

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO.632/2001

- 1) Shobabai w/o Gulabrao Tayde
Age: 42 Yrs., occu. Household,
R/o Wanoja, Tq. Risod,
At present Mangalwara, Hingoli,
Tq. Hingoli, Dist. Hingoli.
- 2) Amit s/o Gulabrao Tayde,
Age: 17 Yrs., minor,
u/g real mother -
Shobabai w/o Gulabrao Tayde
Age: 42 Yrs., occu. Household,]
R/o as above. = **APPELLANTS**

VERSUS

- 1) Maharashtra State Road Transport
Corporation, Through its
Divisional Controller,
Sangakhed Road, Parbhani,
Tq. And Dist. Parbhani.
- 2) Shaikh Ibrahim s/o Shaikh Amir,
Age:42 Yrs., occu. Driver,
Batch No. 4303, ST Depot,
Hingoli, R/o Tofkhana, Hingoli,
District Hingoli. = **RESPONDENTS**

Mr.BS Kudale, Advocate for Appellants;
Mr.Anand Wange, Adv for Respondent No.1.

CORAM : P.R.BORA, J.

DATE : 6th April, 2016.

ORAL JUDGMENT:

- 1) Heard. Original claimants have filed

the present appeal taking exception to the Judgment and Award dated 6th May, 2001 passed in MACP No.236/2000 by the learned Motor Accident Claims Tribunal, Hingoli (for short, the Tribunal). The appellants are seeking enhancement of the amount of compensation and modification of the Award to that extent.

2) The aforesaid Claim Petition was filed by the appellants seeking compensation, being legal representatives of deceased Gulabrao Tayde, who died in a vehicular accident happened on 12th June, 1998 having involvement of ST bus bearing registration No. MH-20-D-1242. The appellants had claimed the compensation of Rs.6,00,000/-. As stated in the Claim Petition, on the date of the accident, age of the deceased was 46 years and he was drawing monthly salary to the tune of Rs.5,660/-. By adducing the evidence before the Tribunal, the appellants/claimants duly

proved the salary income of the deceased. Though age of the deceased was stated to be 46 years, from the documentary evidence it was revealed that at the time of his death, age of deceased Gulabrao was 52 years. The learned Tribunal holding the income of the deceased to the tune of Rs.5,660/- per month, by applying the multiplier of 6, assessed the compensation to the tune of Rs.2,75,000/-, payable to the appellants/claimants and awarded the same accordingly with interest thereon @ Rs. 9% p.a.

3) In the present appeal, the impugned award is challenged only on the ground that the Tribunal has grossly erred in applying the multiplier of 6. The learned Counsel appearing for the appellants submitted that having regard to the age of the deceased to be 52 years at the time of his death, the Tribunal must have applied the multiplier of

11 and accordingly must have assessed the compensation.

4) I have gone through Para 11 of the impugned Award. The learned Tribunal has observed that the period of only six years was left for retirement of the deceased and on that basis the learned Tribunal has assessed the compensation by applying the multiplier of 6. It is thus evident that the learned Tribunal has applied wrong multiplier. The Hon'ble Apex court in the case of Amrit Bhanu Shali and Ors. Vs. National Insurance Co. Ltd. And Ors. - (2012) 11 SCC 738, has held that the selection of multiplier in a death case must be on the basis of age of the deceased and age of dependents has no nexus with the computation of the compensation. Considering the age of deceased Gulabrao to be 52 years, the appropriate multiplier in the present case

, as prescribed in the case of Sarla verma (Smt) and Ors. Vs. Delhi Transport Corporation and Anr. - (2009) 6 SCC 121, will be of 11. Even in 2nd Schedule under Section 163-A of the Motor Vehicles Act, the multiplier prescribed for the age group of 51-55 years is 11. So in no case, the learned Tribunal should have applied the multiplier of 6.

5) The learned Counsel appearing for the respondents/Corporation has conceded that considering the age of the deceased, the Tribunal must have applied the multiplier of 11 for assessing the amount of compensation. Thus, the impugned Award to that extent needs to be modified. By applying the multiplier of 11, the compensation amount comes to Rs. 4,98,080/-. I hold the claimants entitled for the said amount. The appeal is thus partly allowed and the impugned Award is modified to the aforesaid extent. Except the modification

in the amount of compensation, the other portion of the the impugned judgment and Award shall remain unchanged. Modified Award be prepared accordingly. Pending civil application, if any, stands disposed of.

sd/-
(P.R.BORA)
JUDGE

bdv/