HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

M.A.C.M.A. No. 477 of 2013

ORDER :

This appeal is filed by the appellant against the Award and decree dated 16.03.2006 in O.P.No.799 of 2004, wherein the Motor Vehicles Claims Tribunal granted an amount of Rs.1,54,500/- towards compensation along with interest at the rate of 6% from the date of application till the date of realization.

2. The appellant is claimant before the Tribunal filed this appeal for enhancement of compensation.

3. Heard both sides.

4. Learned counsel for the appellant submits that the claim of Rs.2,00,000/- itself is meager and granting of compensation of Rs.1,54,500/- is on lower side. In support of his contention, he relied on the judgments reported in **Manju Devi and another v. Musafir Paswan and another**[1] **and Santosh Rani v. Ranjit Singh and others**[2]**.**

5. It is to be seen that in similar circumstances, the Hon'ble Apex Court has considered the age of the deceased as 13 years and enhanced the compensation from Rs.90,000/- to Rs.2,25,000/- in the case of **Manju Devi and another v. Musafir Paswan and another (supra),** wherein it is observed as follows:

> "2. In the case of U.P. State Road Trans. Corpn. V. Trilok Chandra, 1996 ACJ 832 (SC), it has been held by this court that there should be no departure from the multiplier method on the ground that payment being made is just compensation. It has been held that the multiplier method must be accepted method for determining and ensuring payment of just compensation as it is the method which brings uniformity and certainty to awards made all over the country. In view of this authority, it will have to be held that the award of compensation had to be made by the multiplier method.
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> 3. As set out in the Second Schedule to the Motor Vehicles Act, 1988, for a boy of 13 years of age, a multiplier of 15 would have to be applied. As per the Second Schedule, he being a non-earning person, a sum of Rs.15,000 must be taken as the income. Thus, the compensation comes to Rs.2,25,000/-"

In **Santosh Rani v. Ranjit Singh and others (supra),** the Hon'ble Apex Court held as follows:

> "4. Both the Tribunal and the High Court completely ignored the factum of loss of life at a tender age, the future prospect of young man and mental agony suffered by the claimant. In our view, the award of Rs.50,000/- on non fault liability in the case of death of a person is too meager. In the peculiar facts and circumstances of this case, we award a lump sum compensation of Rs.2,50,000/- to the claimant along with the interest awarded by the Tribunal. The compensation shall be paid by the respondents jointly and severally."

In the above cited decisions, in one case, the Hon'ble Supreme Court followed the multiplier and came to the conclusion that the deceased was aged 13 years and that the claimants are entitled for Rs.2,25,000/-. In another decision, the Hon'ble Apex Court granted lump sum amount of Rs.2,50,000/- for the death of the deceased, who was aged 13 years.

In the present case also, the age of the deceased boy was 13 years and the claimant is the mother of the deceased. The facts and circumstances in the present case are almost identical with that of the judgment of the Hon'ble Supreme Court in the case of **Manju Devi and another v. Musafir Paswan and another (supra)** as the same was arising out of motor accident.

In view of the principle laid down by the Hon'ble Apex Court in the above decision, the compensation granted by the Tribunal i.e., Rs.1,54,500/- is enhanced to Rs.2,25,000/- along with interest at the rate of 7.5% per annum.

Accordingly, this appeal is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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A.RAJASHEKER REDDY, J

21.01.2016.
KVS

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Date: 21-01-2016

KVS

[1] 2005 ACJ 99

[2] 2008 (4) ALT 50 (SC)