

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.293 OF 2014

JUDGMENT:

Heard Smt. S.V. Bhuvaneswari, learned counsel, for Sri S.V. Muni Reddy, learned counsel for the appellants, and Sri Ch. Venkata Narayana, for Sri B. Devanand, learned Standing Counsel for the 2nd respondent-Insurance Company.

Service was completed on 1st respondent, owner of the vehicle, but none appears for him.

2. For the sake of convenience, the parties hereinafter will be referred to as they were arrayed before the Tribunal.

3. The fact situation is not in dispute. Certain relevant facts are that the deceased was 19 year-old pursuing 2nd year B.Com. course. It is clear from Ex.A7 Marks Memorandum, which shows 540 out of 1000 marks, it gives an indication that the petitioner-claimant was not brilliant, but, only an average student. The Tribunal placing reliance on a ruling of the Hon'ble Supreme Court in **New India Assurance Company Ltd. v. Smt. Kalpana** [2007 (2) Law Summary 33 SC] where the notional income at Rs.3,000/- per month was fixed and basing on the law declared by the Hon'ble Supreme Court in **Sarla Verma v. Delhi Transport Corporation** [2009 ACJ 1298] adopted the multiplier factor '14', basing on the age of the younger parent of the deceased, and worked out compensation at Rs.2,52,000/-. Besides the same, a sum of Rs.5,000/- is granted

towards 'loss of estate' and Rs.5,000/- towards 'funeral expenses'.

Thus, in all, the petitioner-claimant is entitled to Rs.2,62,000/-.

4. So far as the multiplier factor is concerned, the Tribunal went wrong in applying '14', in view of the latest pronouncements in **Munna Lal Jain v. Vipin Kumar Sharma**¹ and **Amrit Bhanu Shali and others v. National Insurance Company Limited and others**², the relevant multiplier is '18'. When applied the same, the compensation works out to Rs.3,24,000/- as against Rs.2,62,000/-, worked out by the Tribunal. The amounts of Rs.5,000/- towards 'loss of estate' and Rs.5,000/- towards 'funeral expenses' granted by the Tribunal are maintained. Thus, in all, the petitioner-appellant is entitled to Rs.3,34,000/-.

5. In the result, the Appeal is partly allowed while enhancing the compensation from Rs.2,62,000/- (Rupees Two lakhs sixty two thousand only) to Rs.3,34,000/- (Rupees Three lakhs thirty four thousand only) against the respondents 1 and 2. The rate of interest at 7.5% p.a. granted by the tribunal on Rs.2,62,000/- is maintained and also on the enhanced amount of Rs.72,000/- from the date of claim petition till realization keeping in view the ruling in **Rajesh v. Rajbir Singh**³. There shall be no order as to costs.

¹ (2015) 6 SCC 347

² 2012 AIR SCW 3901

³ (2013) 9 Supreme Court Cases 54

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Civil Miscellaneous Appeal shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 26.10.2017
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