

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

MAC APP. NO.32 of 2010

1. Shri Sunil Deb Barma,
S/o Late Sukdev Deb Barma.
2. Smti. Ranjita Deb Barma,
W/o Shri Sunil Deb Barma,
Both are residents of Vill. & P.O. Ramnagar,
P.S. Bishalgarh, Dist. West Tripura.

..... *Appellants.*

- Vs -

1. Shri Biralal Deb Barma,
S/o Late Lalu Deb Barma
of vill. & P.O. Ramnagar,
P.S. Bishalgarh, Dist. West Tripura,
Owner of TR-01-2041 (Jeep).
2. National Insurance Co. Ltd., Barasat Branch,
79/10, K.B. Bose Road, P.O. Barasat,
North - 24 Parganas, West Bengal
[Insurer of TR-01-2041 (Jeep)].

Notice to be served upon through :

The National Insurance Co. Ltd.,
Agartala Branch, P.O. Agartala,
P.S. West Agartala, Dist. West Tripura.

..... *Respondents.*

_B_E_F_O_R_E_
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellants	: None.
For the respondents	: None.
Date of hearing and delivery of judgment	: 30.01.2015.
Whether fit for reporting	: No.

JUDGMENT & ORDER(ORAL)

This appeal by the claimants has been filed for enhancement of compensation and is directed against the award, dated 27th September, 2008 passed by the learned Motor Accident Claims Tribunal(Court No.1), West Tripura, Agartala in Case No.TS(MAC)543 of 2004, whereby he awarded a sum of Rs.1,58,000/- as compensation in favour of the parents of the deceased.

2. The undisputed facts are that the deceased was about 20 years old and the claimants are his parents. The learned Tribunal assessed the income of the deceased at Rs.3,000/- per month, applied a multiplier of '13' and deducted two third for the personal expenses of the deceased. In my view, this judgment is not correct.

3. This Court follows two methods while assessing compensation in cases where the claimants are the parents and the deceased was unmarried. Either 50% is deducted for the personal expenses of the deceased and in such eventuality, the multiplier is applied by taking into consideration the age of the deceased. In case, the multiplier is to be applied by taking into consideration the age of the claimants, then only one third should be deducted for the personal expenses of the deceased.

4. In the present case, the age of the parents cannot be ascertained with exactitude. However, the fact remains that the

deceased was about 20 years old. Even if the income of the deceased is taken at Rs.3,000/- and 50% is deducted for the personal expenses of the deceased, the balance comes to Rs.1,500/- per month or Rs.18,000/- per year and if multiplier of '18' is applied keeping in view the age of the deceased, then the compensation works out to Rs.3,24,000/-.

5. In addition thereto the mother shall also be held entitled to Rs.50,000/- for loss of love and affection of her son and Rs.10,000/- is awarded for funeral expenses and conventional damages. The total compensation is, therefore, assessed at Rs.(3,24,000 + 50,000 + 10,000) = ***Rs.3,84,000/- (Rupees three lakh eighty four thousand)***.

6. The learned Tribunal has awarded Rs.1,58,000/- to the claimants in equal shares and the amount of the father is restricted to the amount awarded to him by the Tribunal. He shall not be entitled any of the enhanced amount and the entire enhanced amount shall be paid to the mother.

7. In view of the above discussion, the appeal is allowed. The award of the learned Tribunal is modified and the compensation is enhanced from Rs.1,58,000/- to Rs.3,84,000/- i.e. by Rs.2,26,000/- On this amount the claimant shall also be entitled to interest @ 7.5% per annum from the date of filing of the claim petition till payment/deposit of the entire awarded amount.

8. On the amount being so deposited *Rs.2,00,000/- (Rupees two lakh)* shall be released to the mother immediately by remitting it to her personal Bank account details whereof along with photocopy of the first page of the passbook be submitted in the Registry of this Court within 8(eight) weeks from today. Balance amount be kept in a fixed deposit for 3(three) years and thereafter, the entire amount shall be released to her.

Send down the LCRs forthwith.

CHIEF JUSTICE

Sukhendu