

Supreme Court of India

Adikanda Sethi (Dead) Through L ... vs Palani Swami Saran Transports & ... on 8 May, 1997

Bench: K. Ramaswamy, K.S. Paripoornam.

PETITIONER:

ADIKANDA SETHI (DEAD) THROUGH L RS. & ANR.

Vs.

RESPONDENT:

PALANI SWAMI SARAN TRANSPORTS & ANR.

DATE OF JUDGMENT: 08/05/1997

BENCH:

K. RAMASWAMY, K.S. PARIPOORNAM.

ACT:

HEADNOTE:

JUDGMENT:

**O R D E R** Leave granted. We have heard learned counsel on both sides.

This appeal by special leave arises from the Judgment of the High Court of Orissa, made on 13.9.1993. in Miscellaneous Appeal No. 384/90.

Ballav Kumar Sethi, a young man of 24 years was fatally knocked down by oil Tanker bearing registration No. TCV 667. The appellant claimed a sum of Rs.1 lakh towards the loss of the estate of the deceased and the support to the appellant as dependent of the deceased. the claim under section 110-A of the Motor Vehicle Act, 1939 was laid on April 30, 1983.

The Tribunal delivered the judgment awarding a sum of Rs. 1,00,000/- to the appellant which was confirmed under appeal by the High Court enhancing the same by a further sum of Rs. 18,000\-.

The principle of determination of the compensation in the case of fatal accident was determined by this Court in U.P. State Road Transport Corporation & Ors. vs. Trilok Chandra & ors. [(1996) 4 SCC 362]. This court in Paragraph 18 , after considering the tabulations, found that the maximum multiplier of purchaser was as under:

"What we propose to emphasise is that the multiplier cannot exceed 18 years'

Purchase factor. This is the improvement over the earlier position that ordinarily, it should not exceed 16. We thought it necessary to state the correct legal position as courts and tribunals are using higher multiplier as in the present case where the Tribunal used the multiplier of 24 which the High Court raised to 34, thereby showing lack of awareness of the background of the multiplier system in Davies case."

Thus, we have to conclude that the annual income of the deceased is Rs.12,000/- p.a. and he would have spent Rs.7,500/- towards family members and 1/3 for himself; thereby the annual income is taken at Rs.9,000/- per year and multiplier of 18 years which is the maximum in the case of the young person dying in an accident, has to be applied. The claimants would get Rs. 1.40 lakhs towards the compensation. Since the claim is limited to Rs 1 lakh, the claimants are entitled to get Rs. 1 lakh, the claimants are entitled to Rs.1 lakh, the claimants are entitled to get Rs.1 lakh as compensation with interest at 6% p.a. from the date of the judgment of the High court.

The appeal is accordingly allowed. No. costs.