

Bhanwar Lal and ors. Vs. Devlal and ors.

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SooperKanoon Citation : sooperkanoon.com/771242

Court : Rajasthan

Decided On : Jul-27-2006

Reported in : IV(2006)ACC742

Judge : Shiv Kumar Sharma, J

Appellant : Bhanwar Lal and ors.

Respondent : Devlal and ors.

Judgement :

ORDER

Shiv Kumar Sharma, J

1. Heard rival submissions.
2. The claimant-appellants being dissatisfied with the size of the award have preferred the instant appeal. Learned Motor Accident Claims Tribunal, Baran awarded the compensation in the sum of Rs. 58,000 to claimant-appellants vide award dated July 17, 2003 in relation to the incident occurred on May 24, 2002 that took life of Kapil aged 7 years.
3. It is contended by learned Counsel for the appellants that as per Second Schedule appended to Motor Vehicles Act, 1988 the multiplier of 15 would have been to be applied.

4. In *Manju Devi v. Musafir Paswan IV* (2005) A.C.C. 15 : 2005 A.C.J. 99, Their Lordships of the Supreme Court indicated in Para 3 thus:

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.

5. It is well settled that there should be no departure from the multiplier method on the ground that payment being made is just compensation. It has been held by the Apex Court 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.

6. I am satisfied that the compensation awarded to appellant is insufficient. I, therefore, allow the appeal of appellants and enhance the compensation from Rs. 58,000 to Rs. 2, 25,000. The appellants shall also get interest at the rate of 9% per annum with effect from July 11, 2002.