

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5477-5478 OF 1999

CHELLAMMAL & ORS ETC.

Appellant (s)

VERSUS

KAILASAM & ANR ETC.

Respondent(s)

(With office report)

Date: 13/04/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. B Sirdhar, Adv.

Mr. K. Ram Kumar, Adv.

For Respondent(s)

Mr. Salil Paul, Adv.

No.2

Ms. Indra Sawhney, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeals are allowed in part and the judgment of the High Court

is modified. No costs.

[Charanjeet Kaur]

[Om Prakash]

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5477-5478 OF 1999

Chellammal & Ors. Etc.

.. Appellant(s)

Versus

Kailasam & Anr. Etc.

.. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The Motor Accident Claims Tribunal [for short the Tribunal] awarded

compensation of Rs. 8,08,704/- in respect of father of the deceased by applying the multiplier as 24 and awarded a sum of Rs. 1,50,000/- for the son of the deceased. The High Court, on appeal, reduced the compensation for the father awarded by the Tribunal to Rs. 4,91,600/- by applying multiplier to be 12 and so far as the son is concerned the compensation was reduced to Rs. 50,000/-.

So far as the compensation awarded for the son is concerned, learned counsel

appearing on behalf of the appellants is not in a position to assail the same. He, however,

assailed the reduction of compensation so far as the father is concerned. It has been submitted

that indisputably age of the deceased at the time of his death was 41 years. The High Court

determined, annual loss of dependency to be Rs.39,300/-, but it has applied 12 to be the

multiplier and thereby fixed the compensation at Rs. 4,71,600/- and that apart Rs.

20,000/- has been added towards the loss of companionship. As the age of the deceased at the time of his death was 41 years, according to the second Schedule appended

.2/-

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to the Motor Vehicles Act, 1988, the multiplier that could have been applied was 15 and not 12 .

Accordingly, we direct that the claimant shall be entitled to compensation viz. 39,300 x 15=

5,89,500 and that apart he will be entitled to sum of Rs. 20,000/- towards loss of

companionship. The total compensation on account of death of the father of the deceased is

thus fixed at Rs. 6,09,500/- upon which interest will be paid at the rate of 12 per cent per

annum from the date of the petition till realisation.

The appeals are, accordingly, allowed in part and the judgment of the High Court is, accordingly, modified. No costs.

.....J[B.N. AGRAWAL]

.....J [H.K. SEMA]

NEW DELHI,

APRIL 13, 2005.

