

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). 6441 OF 2000

SAVITA SHARMA & ORS

Appellant (s)

VERSUS

U.O.I./CHANDIGARH ADMN.&ANR

Respondent(s)

Date: 16/01/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE H.S.BEDI

For Appellant(s)

Mr. P.N. Puri,Adv.

For Respondent(s)

Ms. Kamini Jaiswal,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed.

No order as to costs.

[SUMAN WADHWA]

[VIJAY AGGARWAL]

COURT MASTER

COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6441 OF 2000

SAVITA SHARMA & ORS. .. APPELLANTS

vs.

U.O.I.CHANDIGARH ADMN.

& ANR. .. RESPONDENTS

O R D E R

This appeal is directed against the order passed by the High Court by the Division Bench of the Punjab and Haryana High Court vide order dated 8.1.1999 whereby the Division Bench of the Punjab and Haryana High Court has reversed the order passed by the Motor Vehicles Tribunal and reduced the multiply from 11 to 8 and proportionately reduced the compensation granted by the Motor Vehicles Tribunal from 10,22,208/- to 7,45,000/-. Aggrieved by this order passed by the High Court the appeal was preferred by the claimants before this Court.

Heard learned counsel for the parties.

We have perused the order passed by the learned Single Judge. For convenient disposal of this appeal few facts mayh be stated that deceased Prem Chand Sharma died in Motor

accident and his dependents filed a claim petition before the

-2-

Motor Accident Claims Tribunal and the Motor Accident claims Tribunal after examining the matter awarded a compensation to the claimants to the tune of Rs.10,22,208/- by its Award dated 24.3.1998. Aggrieved against that Union of India/Chandigarh Administration who was the owner of the offending bus preferred an appeal before the High Court. The deceased was 53 years of age at the time of accident and the Tribunal applied the multiplier of 11 for computing the compensation. The deceased was an Ayurvedic Doctor and he was drawing a sum of Rs.11,615/- p.m. by way of salary at the time of death. On the basis of that though the claimant claimed higher compensation but the Tribunal allowed them a compensation by applying multiplier of 11. It was submitted by the appellant before the High Court that multiplier of 11 is on the higher side and it was also contended that deceased was 53 years of age who would have retired on superannuation at the age of 58 years. Therefore it will be just and proper to apply the multiplier of 8. The High Court was persuaded and accordingly the High Court applied the multiplier of 8 and reduced the amount of compensation to Rs.7,45,000/-. Hence the present appeal by claimant.

After going through the matter, we are of the opinion that the Tribunal has rightly approached the matter and applied the multiplier of 11. As per the Second Schedule of Motor Vehicles

-3-

Act 1988 the multiplier for the persons 50 years of age but not exceeding 55 years was 11 and the Tribunal applied the multiplier of 11 keeping in view the second Schedule. This in

our opinion was the correct approach on the part of the Tribunal. The reason given by the High Court for applying a multiplier of 8 does not appear to be just and proper. When a rough and ready reference has already been given in the Act of 1988 in II Schedule normally it should be applied unless there are compelling reasons to take different view in the matter. In the present case we are satisfied that multiplier of 11 was just and proper and there was no occasion for the High Court to have resort to multiplier of 8. Hence we allow this appeal and set aside the order of the High Court and affirm the order of the Tribunal for grant of compensation to the claimant a sum of Rs.10,22,208/- with 12% interest as awarded by the Tribunal. Accordingly the appeal is allowed.

No order as to costs.

.....J.

(A.K. MATHUR)

.....J.

(H.S BEDI)

NEW DELHI;

JANUARY 16, 2007.