

SUPREME COURT OF I ND I A  
RECORD OF PROCEEDINGS

IA No. 3 in CIVIL APPEAL No. 3484/2009

K. SRINIVASA MURTHY  
Petitioner(s)

VERSUS

NATIONAL INSURANCE CO. LTD. & ORS. Respondent(s)

Date: 06/08/2009 This Application was mentioned today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. P.S. Narasimha, Sr. Adv.  
Mr. K.V. Bhanu Prasad, Adv.  
Mr. K. Shivraj Choudhuri, Adv.

For Respondent(s)

UPON being mentioned by the counsel the Court made the following  
ORDER

Taken on board.

IA. is allowed in terms of the signed order.

(KALYANI GUPTA)  
SR. P.A.

(PUSHAP LATA  
BHARDWAJ)  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

IA No. 3  
in  
CIVIL APPEAL NO. 3484 OF 2009

K. SRINIVASA MURTHY

.... APPELLANT

VERSUS

NATIONAL INSURANCE CO. LTD. & ORS.

....RESPONDENTS

ORDER

Taken on board.

In this application for clarification, Mr. P.S. Narasimha, the learned senior counsel appearing on behalf of the applicant contends that reference to the Second Schedule may be a mistake on our part. We are afraid it is not. The learned Motor Accidents Claims Tribunal as also held by the High Court have taken recourse to the multiplier method. The question with regard to the application of multiplier would arise in the light of the Second Schedule appended to the 1988 Act, inter alia, in regard to the claim petitions involving permanent disability suffered by the victim of an accident for the use of the motor vehicle. Multiplier method therein has been applied in various cases by this Court even if the claim applications have been filed under Section 166 thereof stating that they provide good guidelines. It is in that sense that this Court opined that in the event the multiplier referred to in the Second Schedule is applied then the ingredients attached thereto must also be applicable. Whenever there would be any doubt as to what multiplier shall be applied, in the event the tribunal in terms of order of remand passed by us does not intend to apply the same, it would be free to take recourse to another method which would be available to it at the risk of the applicant.

IA is disposed of in the aforesaid terms.

.....J  
[S.B. SINHA]

.....J  
[DEEPAK VERMA]

NEW DELHI  
AUGUST 06, 2009.