

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2826 OF 2009
[Arising out of SLP(C) No. 19879/2007]

N. CHELLAMMAL

... **APPELLANT(S)**

:VERSUS:

**THE MANAGING DIRECTOR, TAMIL NADU STATE
TRANSPORT CORPORATION LTD.**

... **RESPONDENT(S)**

ORDER

Leave granted.

Heard the learned counsel for the parties.

The only issue raised before us in this appeal is with regard to the multiplier to be applied in respect of the claimant who was 26 years of age on the date of the accident and had undergone permanent disability of 65% as his leg has been amputated. The Motor Accident Claims Tribunal keeping in view the age of the claimant, adopted a multiplier of 18 and awarded compensation amounting to Rs. 3,66,500/-.

The matter was then taken in appeal to the High Court by the present respondent. The High Court has applied the multiplier of 12 and reduced the amount of compensation to Rs.2,49,500/- with interest. This order of the High Court is under challenge at the instance of the claimant.

As per the records, it has been found that the claimant was 26 years of age on the date of the accident. In this view of the matter, we are of the opinion that a multiplier of 18 was the proper and appropriate one and the application of a multiplier of 12 by the High Court was clearly erroneous.

Accordingly, we set aside the order passed by the High Court and restore that of the Tribunal. The appeal is allowed accordingly. There shall, however, be no order as to costs.

We direct that the amount of compensation as awarded by the Tribunal shall be paid, after adjusting the payment, if any, already made, within a period of twelve weeks from today.

.....J
(HARJIT SINGH BEDI)

.....J
(Dr. MUKUNDAKAM SHARMA)

NEW DELHI,
APRIL 17, 2009.

JUDGMENT