

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

* * * *

M.A.C.M.A.No.1844 of 2005

Between:

National Insurance Company Limited.

....Appellant

and

Mattam Veera Kumar,

And others.

....Respondents

JUDGMENT PRONOUNCED ON : 26.11.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

M.A.C.M.A.No.1844 of 2005

-

JUDGMENT:

This appeal is preferred by the insurance company, who was the second respondent in M.V.O.P.No.960 of 2002 on the file of the Motor Accident Claims Tribunal, Kurnool.

The petition was filed by the parents of the deceased who studied Engineering and obtained B.Tech degree. The case of the claimants was that on 19.07.2002 at about 11.00 am when the deceased was going on TVS Sport Moped bearing No.AP 21/E 7576, a lorry bearing No.AP 9U 3031 came in a high speed and dashed the said moped, as a result of which, the daughter of the claimants along with the pillion rider fell down. The pillion rider died on the spot, whereas the daughter of the claimants died in Apollo Hospital, Hyderabad, at about 2.25 pm on 19.07.2002. The deceased was aged about 22 years. She passed B.Tech degree course with distinction at 75% marks. She was undergoing training for going abroad.

The Tribunal, on evidence, held that the accident occurred due to rash and negligent driving of the lorry by its driver. With regard to the quantum of compensation, it was noticed that the claim was made for Rs.25,00,000/-. Though the deceased passed B.Tech degree course with 75% marks, at the time of the accident, she was unemployed and was undergoing training in software courses for going abroad. The Tribunal awarded an amount of Rs.6,00,000/- by applying the multiplier 15 and taking the age of the mother of the deceased as 45 years and notional income at Rs.5,000/- per month. An amount of Rs.2,000/- was awarded towards funeral expenses and Rs.2,500/-

towards loss of estate. Challenging the quantum of compensation awarded, the insurance company filed the present appeal.

The Tribunal committed an error in taking the age of the mother for the purpose of applying the multiplier and taking the notional income at Rs.5,000/- per month. If there is any appeal or cross objections of the claimants, the amount awarded by the Tribunal should have been enhanced in view of the latest judgment of the Supreme Court in **V.Mekala v. M.Malathi**.

In the circumstances, this Court sees no ground to set aside the award passed by the Tribunal in M.V.O.P.No.960 of 2002, dated 11.02.2004.

The appeal is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

26.11.2015

vs

-