

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1962 of 2005

JUDGMENT:

Heard.

2. The claimants, in M.V.O.P.No.509 of 2000 on the file of Motor Vehicle Accidents Claims Tribunal-cum-III Additional District and Sessions Judge (Fast Track Court), Medak, filed the present appeal seeking enhancement of compensation awarded by the Tribunal by its Award, dated 02.12.2004.

3. The 1st petitioner is wife, 2nd petitioner is son and 3rd petitioner is mother of the deceased. Claim Petition was filed with an allegation that the deceased was aged about 30 years at the time of accident and he was working as labourer under 1st respondent and earning Rs.4,000/- per month. On 17.02.2002, on the directions of the 1st respondent, the deceased went on Tractor bearing No.APR-4393 and Trailor No.AAB-1679 to bring stone load for construction of agricultural lane at the fields of 1st respondent. After loading the stones, the deceased sat on the tractor and proceeded from Nagaram village. When the tractor reached Fareedpur cross road, near Hanuman Temple, Medak District, the driver of the tractor drove the same at high speed in a rash and negligent manner, due to which the deceased fell down from the Tractor and the side wheel of the trailor with load passed through the head and other parties of the body and he died on the spot.

4. The Tribunal framed the following issues:

- i. Whether the alleged accident occurred due to rash and negligent driving of the tractor bearing No.APR-4393 and Trailor No.AAB-1679 by its driver and the deceased P.Veeresham died in the said accident?
- ii. Whether the crime vehicle is insured with Respondent No.2 at the time of the accident?

- iii. Whether the Claimants are the legal heirs of deceased P.Veeresham?
- iv. What is the just compensation to which the claimants are entitled?
- v. To what relief?"

5. The 1st petitioner was examined as P.W.1 and one S.Lachaiah was examined as P.W.2 and Exs.A.1 to A.3 were marked. Insurance policy was marked as Ex.B.1.

6. With regard to Issue No.1, the Tribunal after considering the oral and documentary evidence held that the accident occurred due to rash and negligent driving of driver of the tractor and trailer.

7. With regard to compensation, the Tribunal took the notional income of the deceased at Rs.9,000/- and applied multiplier '17' and calculated the compensation at Rs.1,25,000/-.

8. The accident took place in the year 2000 and the deceased must be earning at least Rs.100/- per day. He may be having work for 25 days in a month and would get an amount of Rs.2,500/- per month. If 30% enhancement is made to that amount, the monthly income of the deceased comes to Rs.3,250/-. There are three dependents on the deceased, 1/4th should be deducted towards the personal expenses and after deducting the same, the monthly income would come to Rs.2,437/- and appropriate multiplier for his age would be '17' as per **Sarla Verma and others Vs. Delhi Transportation Corporation and another** ^[1] and if it is applied, it would come to Rs.4,97,140/-. As the 1st petitioner lost the consortium of the deceased, she is entitled to Rs.50,000/- towards the same and as the 2nd petitioner lost the love and affection of his father, an amount of Rs.10,000/- can be granted towards loss of love and affection. Funeral expenses can be granted at Rs.10,000/- and transportation of dead body can be granted at Rs.2,000/-. Thus, in all an amount of Rs.5,69,140/- (rounded off to

Rs.5,69,000/-) is granted to the petitioners.

9. Accordingly, the appeal is allowed enhancing the compensation from Rs.1,25,000/- to Rs.5,69,000/- and the enhanced amount shall carry interest at 9% per annum from the date of petition till realization. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

A. RAMALINGESWARA RAO, J

DECEMBER 07, 2015
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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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Date: 07.12.2015

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[\[1\]](#) 1994 (2) SCC 176