

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

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M.A.C.M.A.No.1932 of 2005

Between:

Smt.Nallamanti Ammaji and others.

....Appellants

and

Sri Ghansi Das and another.

....Respondents

JUDGMENT PRONOUNCED ON : 07.12.2015

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

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M.A.C.M.A.No.1932 of 2005

JUDGMENT:

This appeal is preferred by the claimants in M.O.P.No.729 of 2003 on the file of the VI Additional District Judge, Visakhapatnam, dated 12.10.2004.

The appellants herein, who were the claimants in the said petition, filed the claim petition claiming compensation of Rs.8,00,000/- stating that the first appellant is the wife, appellants 2 to 4 are the minor sons and daughter, and appellants 5 and 6 are the parents of the deceased – Nallamanti Venkata Ramana, who died in an accident that occurred on 29.12.2001. On that day, when he was standing by the side of the road at Upamaka road junction, Nakkapalli, along with the Sarpanch of the Village, a lorry bearing registration No.AP 12 T 5870 came from Yellamanchili side in a rash and negligent manner with high speed and dashed the deceased, who was standing by the road side, as a result of which he sustained grievous injuries to his head and died instantaneously. He was working as a Constable in CRPF at Jammu and was drawing a salary of Rs.6,000/- per month.

The Tribunal framed the following issues:

“1. Whether the accident occurred due to the rash and negligent driving of the lorry bearing No.AP 12 T 5870 driven by its driver?

2. Whether the petitioners are entitled for compensation, if so, to what amount and from which of the respondents?

3. To what relief?”

The first issue was recast later.

The first appellant got herself examined as P.W.1 and the other person, who was stated to be the Sarpanch standing along with the deceased, was examined as P.W.2. Exs.A1 to A6 were marked. The insurance policy was marked as Ex.B1.

The Tribunal, on the basis of the evidence, came to the conclusion that the accident occurred due to rash and negligent driving of the lorry bearing No.AP 12 T 5870 by its driver. The Tribunal awarded an amount of Rs.6,26,000/- by its award dated 12.10.2004 by taking the age of the deceased as 29 years and salary as Rs.4,500/- per month. The multiplier applied was 16.51.

There is no doubt with regard to the fact that the deceased was working as Constable in CRPF on the date of the accident. The basic pay mentioned in the pension book issued to the deceased was Rs.3,350/-. In the absence of the salary certificate of the deceased, the Tribunal took the income at Rs.4,500/- per month. Since the deceased was a salaried person, his income should be enhanced by 50%. The dependents on him are six in number and 1/5th of the said amount should be deducted towards the personal expenses. The annual income would then come to Rs.64,800/- and the appropriate multiplier in this case is 17 as per **Smt.Sarla Verma v. Delhi Transport Corporation**. If that is taken into consideration, the loss of contribution to the family would be Rs.11,01,600/-. The loss of consortium should be enhanced from Rs.15,000/- to Rs.50,000/- and the loss of estate is retained as Rs.15,000/-. The amount of Rs.2,000/- granted towards funeral expenses is enhanced to Rs.10,000/-. The enhanced amount of compensation is as follows:

Head Award of the Tribunal Enhancement

Rs. Rs.

Loss of income 5,94,360.00 11,01,600.00

Loss of consortium 15,000.00 50,000.00

Loss of estate 15,000.00 15,000.00

Funeral expenses 2,000.00 10,000.00

Total 6,26,360.00 11,76,600.00

Rounded of to 6,26,000.00 11,77,000.00

Thus, the total amount of compensation awarded comes to Rs.11,76,600/-. If the same is rounded of, it would be Rs.11,77,000/-. This award is according to **Smt.Sarla Verma's** case and **Rajesh v. Rajbir Singh**.

In view of the above, the amount of compensation awarded by the Tribunal on 12.10.2004 in M.O.P.No.729 of 2003 is enhanced from Rs.6,26,000/- to Rs.11,77,000/- with 9% interest per annum on the enhanced amount from the date of the petition till the date of realization. The enhanced amount shall be paid to the claimants on payment of deficit Court fee as the claimants paid Court fee claiming an amount of Rs.8,00,000/-.

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

(A.RAMALINGESWARA RAO, J)

07.12.2015

vs

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