

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1961 of 2005

JUDGMENT:

The parents of one Telugu Muni, aged about 19 years, who died in a motor accident that occurred on 19.04.2004, filed M.V.O.P.No.598 of 2004 on the file of Motor Accidents Claim Tribunal-cum-Principal District Judge, Kurnool seeking compensation of Rs.2,50,000/-.

2. It was alleged in the petition that when the deceased was going to Nagaladinne Village from Mantralayam in an Auto bearing registration No.AP-21-V-4950, at about 1:30 p.m. the auto fell down near Sunkappa Dada Durga, Mantralayam Mandal, due to which the deceased fell down and received injuries. Immediately after the accident, he was shifted to Government Hospital, Mantralayam, but on the way he died.

3. The Tribunal framed the following issues:

“1. Whether the accident that occurred on 19.4.2004 took place near Mantralayam in Kurnool District at about 1-30 P.M. was due to rash and negligent driving of the Auto bearing No.AP-21-V-4950?

2. Whether the respondents are liable to pay the compensation claimed, if not, what amount they are liable to pay to the petitioners by virtue of the said accident?

3. To what relief?”

4. Before the Tribunal, the father of the deceased was examined as P.W.1 and examined P.W.2, who is an eyewitness to the incident. Exs.A.1 to A.5 were got marked. On behalf of the 2nd respondent, R.Ws.1 and 2 were examined and Exs.B.1 and B.2 were marked.

5. With regard to the first point, the Tribunal held that the accident occurred due to rash and negligent driving of driver of the auto.

6. The Tribunal noticed that the deceased was aged about 19 years as on the date of the accident and he was working as a Hamalie. The Tribunal had taken the income of the deceased as Rs.1,000/- per month and after deducting 1/3rd towards personal expenses, the annual income of the deceased was arrived at Rs.8,000/- and the said amount was multiplied by '13', the amount to be contributed to the family came to Rs.1,04,000/-. The Tribunal awarded an amount of Rs.15,000/- towards loss of estate, Rs.2,500/- towards funeral expenses and Rs.500/- towards transportation of dead body of the deceased. Thus, in all an amount of Rs.1,22,000/- was awarded by its Award, dated 09.05.2005.

7. Accident occurred in the year 2004 and it cannot be said that Hamalie is not earning less than Rs.100/- per day. In any case, the income of the deceased can be taken at Rs.2,500/- per month and if 30% enhancement is made to that amount in view of latest judgment of the Hon'ble Supreme Court in **Rajesh and others Vs. Rajbir Singh and others**^[1], the monthly income of the deceased comes to Rs.3,250/-. As per the recent judgment, even in case of unmarried persons, the age of the deceased have to be taken into consideration, but not the age of the parents. As per **Sarla Verma and others Vs. Delhi Transportation Corporation and another**^[2], appropriate multiplier would be '18'. Out of Rs.3,250/-, if half of the amount is deducted towards personal expenses of the deceased, who is an unmarried, the amount to be contributed to the family comes to Rs.19,500/- per annum. After applying the multiplier '18', the compensation comes to Rs.3,51,000/- The amount awarded by the Tribunal under different heads are enhanced as follows:

	Awarded amount	Enhanced amount
Loss of estate	Rs.15,000-00	Rs.25,000-00
Funeral exp.	Rs. 2,500-00	Rs.10,000-00

Transportation Rs. 5,00-00 Rs. 1,000-00

8. Considering the above, the Award passed by the Tribunal on 09.05.2005 is enhanced from Rs.1,22,000/- to Rs.3,87,000/- with subsequent interest at 9% per annum on the enhanced amount of compensation from the date of petition till realization. However, the enhanced amount of compensation above Rs.2,50,000/- shall be paid to the claimants after payment of deficit Court fee.
9. Accordingly, the appeal is allowed. 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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[\[1\]](#) (2013) 9 SCC 54

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