

**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.2101 of 2005

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Between :

Smt.Muthyapaga Pochamma W/o.late M.Manikyam
and five others.

... Petitioners

AND

The Managing Director,
APSRTC, RTC X-Road,
Musheerabad, Hyderabad,
and another.

... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

M.A.C.M.A.No.2101 of 2005

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JUDGMENT :

The appellants are petitioners in O.P.No.707 of 2003 on the file of the Additional Metropolitan Sessions Judge for the trial of Communal Offence Cases-cum-VII Additional M.S.J., Red Hills, Nampally, Hyderabad (for short, 'the Tribunal). The petitioners filed the claim petition claiming an amount of Rs.5,00,000/- for the death of

the husband of the 1st petitioner, M.Manikyam, who died in a motor accident that took place on 25.02.2003 at about 6.45 a.m. near V.V. Nagar, Kukatpally. On the said date, the deceased and two other persons were proceeding on scooter bearing No.AP 23 E 8526 from Prakash Nagar, Kukatpally side towards their village and near V.V. Nagar Chowrastha while they were taking turn towards Miyapur side, meantime one RTC Bus bearing No.AP 10 Z 3908 came from Musapet side with high speed in a rash and negligent manner and hit the scooter, as a result of which all of them fell down and the front wheel of the said bus ran over the said Manikyam, rider of the scooter, and the other two persons, who are pillion riders, sustained grievous injuries. The deceased was stated to be aged about 40 years and was a private electrician earning Rs.5,000/- per month.

2. A counter was filed by the respondents opposing the claim of the petitioners.

3. On the basis of the pleadings, the following issues were framed by the Tribunal:

1. Whether the accident took place on 25.02.2003 at 6.45 a.m. due to the rash and negligent driving of the driver of A.P.S.R.T.C. Bus bearing No.AP 10 E 3908?

2. Whether the petitioners are entitled to claim of compensation from the respondent No.1 and 2? If so to what amount and for whom?

3. To what other relief?

4. Petitioners examined PWs.1 and 2 and marked Exs.A.1 to A.6. No oral or documentary evidence was adduced on behalf of the respondents. The Tribunal considered the issue with regard to the contributory negligence and held that there was no contributory negligence on the part of the scooterist and held that the accident occurred due to rash and negligent driving of the driver of the APSRTC Bus.

5. With regard to the compensation, the Tribunal assessed the

income at Rs.15,000/- per annum and after deducting 1/3rd towards personal expenses, applied the multiplier of 13 and awarded compensation at Rs.1,30,000/- besides an amount of Rs.2,000/- towards funeral expenses, Rs.12,500/- towards loss of consortium and Rs.10,000/- towards loss of estate. In all an amount of Rs.1,54,500/- was awarded by award dated 16.05.2005. Seeking enhancement of the said amount, the present appeal is filed.

6. Even in respect of self employed person, the nominal amount that can be take is Rs.3,000/- per month with enhancement at 30%. If the same is taken, the monthly income would comes to Rs.2,925/- after deducting 1/4th towards personal expenses. As per Exs.A.3 and A.4, the Tribunal has taken the age of the deceased as 45 years. The relevant multiplier that is applicable to the person aged about 45 years is '14' as per **Sarla Verma vs. Delhi Transport Corporation**, **and** the total amount of contribution comes to Rs.4,91,400/-. The amount awarded towards funeral expenses is to be enhanced from Rs.2,000/- to Rs.10,000/-. Similarly, the amount awarded towards loss of consortium also requires enhancement from Rs.12,500/- to Rs.50,000/-. The amount awarded by the Tribunal towards loss of estate is retained as it is. However, the children lost their affection of their father and an amount of Rs.20,000/- can be awarded on that count. Thus, the petitioners are entitled to an amount of Rs.5,81,400/- However, the enhanced amount shall be paid to the petitioners after payment of deficit court fee above the amount of Rs.5,00,000/- and the enhanced amount shall carry interest at 9% per annum from the date of the petition till the date of realization.

7. The appeal is, accordingly, allowed.

8. Miscellaneous petitions pending, if any, shall stand closed. No costs.

A. RAMALINGESWARA RAO, J

16th December 2015.

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