

THE HONOURABLE DR. JUSTICE B.SIVA SANKARA RAO

MACMA No.3619 OF 2009

JUDGMENT

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Heard the learned counsel for the claimant Nos. 1 to 3 no other than the husband, married daughters of the deceased by name Venkayamma aged about 50 years filed O.P.No.526 of 2008 on the file of the learned Chairman of the Motor Accidents Claims Tribunal–cum-District Judge, West Godavari, Eluru (*for short, 'Tribunal'*), filed under Section 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*), against the driver, owner and Insurer of the crime jeep bearing No.AP09 AB 4989 Mahindra & Mahindra belongs to the 2nd respondent insured with the 3rd respondent for the claim of Rs.4,00,000/- and the tribunal since granted only Rs.1,31,480/- with interest at 7.5% p.a. by award dated 05.06.2009, impugning the said quantum as utterly low preferred the present appeal.

2. The respondents 1 and 2 of the appeal remained exparte before the tribunal and no way necessary parties as per **Chakra Rao Vs. Babu Rao** and the same is recorded. Heard the learned counsel for the appellants and Insurer- R.3 and perused the material on record.

3. The date of accident was on 21.03.2008. The tribunal taken the earnings of the deceased at Rs.3,000/- p.m. taken the multiplier 4.27. In fact, as per the expression **Sarla Verma**, for the persons upto 50 years multiplier 13, above 51, the multiplier 11, thereby 12 is the just multiplier to adopt as above 50 years. If the same is taken and 1/3rd deducted towards personal expenses for the 1st claimant is husband and others married daughters not dependents as per the Sarla Verma supra, besides the above amount, added to it loss of consortium of Rs.1,00,000/-, to the 1st claimant and loss of estate of Rs.10,000/- and funeral expenses of Rs.25,000/- as per the **Rajesh Vs. Rajbir Singh**, it comes to Rs. 4,47,000/-. If that is so, what the tribunal awarded is utterly low.

4. Having regard to the above, the appeal is allowed as prayed for of

Rs.4,00,000/-(Four lakhs rupees only) by enhancing the compensation from Rs.1,31,480/- awarded by the tribunal with interest at 7.5% p.a. from the date of claim petition (MVOP) till realization/deposit with notice. All the respondents are directed to deposit said amount with interest within one month from today, failing which the claimants can execute and recover. On such deposit or execution and recovery, the claimants are permitted to withdraw the same. There is no order as to costs in the appeal. Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. JUSTICE B. SIVA SANKARA RAO

Dt.23.11.2015.

VVR