

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A. No.2090 of 2005
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JUDGMENT:

The petitioners in O.P. No.347/1999 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-VI Additional District Judge (Fast Track Court), Anantapur at Gooty (for short, 'the Tribunal'), are the appellants herein. They filed the said O.P. seeking compensation of Rs.1,00,000/- for the death of their father in a motor accident that occurred on 15.09.1997.

The case of the petitioners was that on 15.09.1997 at about 9.30 P.M. while the father of petitioners was going to his village Kondapuram from Pamidi, after completing his work, in an Auto bearing registration No.AP-02-T-8705, the driver of the Auto drove it in a rash and negligent manner at high speed, as a result of which the petitioners' father fell down and received grievous injuries. He was initially shifted to the Government Hospital, Pamidi, and thereafter to the Government Hospital, Gooty, where he died after taking treatment for four months. The petitioners are Son and daughter of the deceased.

The Tribunal framed the following issues:

- 1) Whether the accident occurred on 15-9-97 due to the rash and negligent driving of the Auto bearing No.AP-02-T-8705 by its driver and caused the death of the deceased?
- 2) Whether the petitioners are entitled to compensation and if so, to what amount from which respondent?
- 3) To what relief?

So far as Issue No.1 is concerned, the Tribunal came to the conclusion that the accident occurred due to rash and negligent driving of the driver of the Auto. However, in respect of

compensation the Tribunal took the age of deceased as 55 years and arrived at the annual income at Rs.12,000/-, applying the multiplier came to an amount of Rs.51,240/-. The Tribunal awarded Rs.2,000/- for pain and suffering and Rs.3,000/- for medical expenses. Thus, in all an amount of Rs.56,240/- was awarded, by award dated 27.04.2005. The present appeal is filed seeking enhancement of the said compensation.

With regard to the income and age of the deceased, there is no dispute. The same income as was taken by the Tribunal can be taken, but the appropriate multiplier is '11' as per the decision of the Supreme Court in **Sarla Verma v. Delhi Transport Corporation**^[1]. If the same is taken into consideration, the total compensation comes to Rs.1,32,000/-. The petitioners are entitled for Rs.10,000/- towards funeral expenses. The petitioners lost their father and an amount of Rs.8,000/- can be awarded towards expenses for transportation of the dead body and also for love and affection. No amount can be awarded towards pain and suffering and for medical expenses, and the award of Tribunal on that count is set aside. Thus, in all an amount of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) is awarded in place of Rs.56,240/-, awarded by the Tribunal. The enhanced amount shall carry interest @ 9% per annum from the date of petition till the date of realisation. The enhanced amount of compensation shall be paid to the appellants only after paying the deficit Court fee as the O.P. is filed seeking compensation for Rs.1,00,000/- only.

Accordingly, this Appeal is allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

14.12.2015
MVA

[\[1\]](#) (2009) 6 SCC 121