

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.1842 of 2005

Between:

Reddemma and another.

....Appellants

and

A.Krishna Reddy and another.

....Respondents

JUDGMENT PRONOUNCED ON : 25.11.2015

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.1842 of 2005

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JUDGMENT:

This appeal is filed by the claimants in M.V.O.P.No.182 2000 on the file of the District Judge – cum – Motor Accident Claims Tribunal, Chittoor, seeking enhancement of compensation awarded for the death of the husband of the first appellant and father of the second appellant.

On 23.02.2000 at about 8:30 am while the deceased Gangi Reddy along with his two grandsons was going on the moped from Moorevandlapalle to Kalikiri and when they reached near Thimma Reddy's well, the driver of the tractor bearing No.AP 03 D 2808 drove the vehicle in a rash and negligent manner and dashed them in the opposite direction, as a result of which, the deceased Gangi Reddy died on the spot. He was aged about 55 years as on the date of the accident and was an agriculturist. The claim petition was filed claiming an amount of Rs.2,50,000/-. The Tribunal, on the basis of the evidence, held that the accident occurred due to rash and negligent driving of the tractor bearing No.AP 03 D 2808.

With regard to the compensation, the Tribunal came to the conclusion that, since the deceased was an agriculturist, there would be supervisory loss, which was calculated as Rs.15,000/- per annum and after deducting 1/3rd thereof, the Tribunal awarded the loss of dependency at Rs.1,10,000/-. Besides the said amount, a sum of Rs.15,000/- was awarded towards loss of estate and an amount of Rs.2,000/- towards funeral expenses. In all, an amount of Rs.1,27,000/- was awarded by award dated 14.02.2005.

Learned Counsel for the appellants by relying on **State of Haryana v. Jasbir Kaur** submits that in the case of agriculturist also, the Supreme Court took the monthly income at Rs.3000/- and after deducting Rs.1000/- for personal expenses, calculated the compensation. With regard to the loss of consortium, learned Counsel relied on **Rajesh v. Rajbir Singh** and submits that there should be enhancement towards future prospects and $\frac{1}{3}^{\text{rd}}$ should not be deducted. He also relied on **Santosh Devi v. National Insurance Company Limited**.

There is no dispute with regard to the fact that the deceased was an agriculturist and Exs.A5 and A6 – pattadar pass books, were filed in support of the evidence that the deceased was an agriculturist.

In the circumstances, the supervisory charges, as taken by the Supreme Court in **Jasbir Kaur's** case (supra), can be taken. There is no evidence with regard to the age of the deceased, but it was ranging from 53 to 56 years and in the circumstances, the multiplier of 9 is applied. Since the dependants are only two, if $\frac{1}{5}^{\text{th}}$ of the amount is deducted towards personal expenses, the total compensation comes to Rs.2,59,200/- ($\text{Rs.}36,000/- \times 9 = \text{Rs.}3,24,000/-$; $\text{Rs.}3,24,000 \times \frac{1}{5} = \text{Rs.}64,800/-$; $3,24,000 - 64,800 = \text{Rs.}2,59,200/-$). The loss of consortium should be enhanced to Rs.50,000/- in view of the above decisions. With regard to the funeral expenses also, it is reasonable to award an amount of Rs.10,000/- and the amount awarded towards loss of estate shall remain unchanged.

In all, an amount of Rs.3,35,000/- (Rs.3,34,200/- rounded off) is awarded and the enhanced amount of compensation shall carry interest at 9% per annum from the date of petition till realization. In view of the claim being made only for an amount of Rs.2,50,000/- and in view of the enhancement made, the enhanced amount shall be released to the claimants only after payment of deficit Court fee.

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)

25.11.2015

vs

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