

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

MACMANo.1779 of 2005

Date: 19-11-2015

Between:

G. Sreenivasulu

.... Appellant

AND

M. Rami Reddy and another

.... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

MACMANo.1779 of 2005

ORDER:

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This appeal is preferred by the injured seeking enhancement of compensation amount awarded in O.P.No.55 of 1999 dated 06-11-2003 by the Motor Accident Claims Tribunal-cum-II Additional District Judge, Madanapalle.

The appellant filed the petition claiming compensation of Rs.2,00,000/- for the injuries sustained by him in the motor accident that occurred on 22-01-1999 at about 9.00 A.M. while he was walking on the road near Hope High School, opposite to S.V.M.S. petrol bunk. When he was walking, he was hit by the tractor bearing Regd. No.AP-27-V-0492 driven by its driver in a rash and negligent manner. The Tribunal held that the accident occurred due to rash and negligent driving of the driver of the tractor. With regard to quantum of compensation, the petitioner claimed that he was working in a petrol bunk and

earning a monthly salary of Rs.1150/- and batta of Rs.2250/- per month. The income of the petitioner was not believed by the Tribunal and the Tribunal took monthly income at 1500/-. The Tribunal noticed that the petitioner suffered disability of 5% and accordingly applied multiplier of 16.51 to the said income and awarded an amount of Rs.14,859/- towards loss of disability. The amount of Rs.5,000/- was awarded for loss of past earnings. Apart from awarding Rs.5,000/- towards medical expenses, an amount of Rs.10,000/- towards pain and suffering and an amount of Rs.5,000/- towards loss of amenities in life. In all, an amount of Rs.40,000/- was awarded by the award dated 06-11-2003 and the present appeal is filed seeking enhancement of the said amount.

As per the latest decision of the Supreme Court, the monthly income of the salary *per se* should be enhanced by prospects of future income and when an amount of Rs.1,500/- was taken as notional income, it should have been enhanced by 50%. He was stated to be aged about 28 years when the accident occurred and the appropriate multiplier for his age is 17. If the said calculation is made, the loss of income by 5% disability would come to Rs.91,800/-. The amount of Rs.10,000/- awarded towards pain and suffering does not need any revision. However, the amount of Rs.5,000/- awarded towards loss of amenities required to be enhanced and it is accordingly enhanced to Rs.10,000/-. The total amount awarded is Rs.1,11,800/- with interest at 9% p.a. from the date of petition till realisation. The enhanced amount of compensation shall carry interest at the same rate from the date of petition till realisation.

The appeal is partly allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.

RAMALINGESWARA RAO, J

Date: 19-11-2015

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