

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.2706 of 2015

Between:

Chinnayagari Sayamma and others.

....Appellants

and

A.Mohanlal and another.

....Respondents

JUDGMENT PRONOUNCED ON : 01.12.2015

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.2706 of 2015

JUDGMENT:

This appeal is preferred by the claimants seeking enhancement of compensation awarded in O.P.No.992 of 1998 by the Motor Accident Claims Tribunal (Additional District Judge), Nizamabad, by award dated 28.12.2001.

The claimant filed the petition claiming a compensation of Rs.8,00,000/- for the death of one Chinnayagari Narsaiah, who is the husband of the first claimant, father of the second claimant and son of the third claimant. The death of the deceased occurred in a motor accident that took place on 06.10.1998. On that day while he was traveling in a Tata Sumo Jeep bearing No.AP 9N 2277 from Nizamabad towards Srisailam village limits on Kalwakurthy to Dindi road at about 6.30 pm, the driver of the said jeep drove the vehicle in a rash and negligent manner with high speed and lost control, as a result of which, the vehicle turned turtle on road side and the deceased received head injuries, crush injuries, multiple fractures and injuries on other parts of the body. He was admitted in Government Hospital, Kalwakurthy and during treatment he died on the same day at about 9.30 pm. An amount of Rs.30,000/- was spent for his treatment. The deceased was aged 35 years and he was an agriculturist and owner of rice mill. He was earning Rs.2,40,000/- per annum.

The first respondent, who is the owner of the crime vehicle, filed written statement before the Tribunal stating that his vehicle was insured with the second respondent and that he was not liable to pay the compensation. It was also contended that the claim of the claimants was highly excessive and prayed for dismissal of the petition.

The second respondent – insurance company, also filed a written statement before the Tribunal contending that the vehicle involved in the accident was not insured covering the risk of passengers and the deceased was traveling as a passenger therein. As such, the second respondent contended that they were not liable to pay any compensation.

The Tribunal framed the following issues:

- “1. Whether the accident was due to the rash and negligent driving of the Tata Sumo Jeep bearing No.AP-9N-2277 by its driver?
2. Whether the petitioners are entitled for compensation. If so to what amount and against which of the respondents?
3. To what relief?”

The claimants examined P.Ws.1 to 3 and marked Exs.A1 to A8. The respondents did not choose to adduce any oral evidence, but got marked Ex.B1 – copy of the insurance policy, with consent.

With regard to the first issue, the Tribunal held that the accident occurred due to rash and negligent driving of the Tata Sumo Jeep bearing No.AP 9N 2277.

With regard to the quantum of compensation, the Tribunal, based on the age of the claimants, fixed the age of the deceased as 39 years as no authenticated document showing the age of the deceased was produced. The Tribunal applied the multiplier of 16. As the claimants failed to produce any income certificate of the deceased, considering the agricultural lands owned by the deceased and the evidence and documents, the earnings of the deceased was fixed at Rs.60,000/- per annum. Out of the same, 1/3rd was deducted towards personal expenses and the net contribution of the deceased to the

claimants was assessed at Rs.40,000/- per annum. Thus, under the head “loss to the estate of the deceased”, the Tribunal awarded a sum of Rs.6,40,000/-. Rs.3,000/- was awarded towards funeral expenses, Rs.20,000/- towards loss of consortium and an amount of Rs.10,000/- was awarded towards loss of love and affection. In all, an amount of Rs.6,73,000/- was awarded by the Tribunal with 9% interest per annum from the date of the petition till the date of realization.

There was no evidence with regard to owning of rice mill. The multiplier of 16 applied in the case appears to be high. However, since the accident occurred in the year 1998, the amounts awarded appeared to be just.

I have carefully perused the award passed by the Tribunal and keeping in view the evidence and the documents, the award of the Tribunal is just and proper.

In the circumstances of the case, the award of the Tribunal does not warrant any enhancement and the appeal is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

01.12.2015

vs

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