

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2073 of 2005

JUDGMENT:

The claimants in O.P.No.175 of 2000 on the file of the Motor Accident Claims Tribunal (V Additional District Judge) at Nizamabad (for short, Tribunal), filed the present appeal seeking enhancement of compensation. They filed the said petition claiming compensation of Rs.3,00,000/- for the death of the husband of the first petitioner and father of petitioners 2 to 5.

2. It was alleged that the deceased, Thonta Shanker, was running a kirana shop and was earning Rs.6,000/- per month and he was aged about 46 years as on the date of death. On 16.10.1999 at about 2.15 pm., when the deceased along with others travelling in an auto bearing No.AP25T 4682 from Argul Village to go to Armour, a lorry came from Dichpally side and hit the auto. In the said accident, Thonta Shanker sustained grievous injuries and died while he was being shifted to hospital.

3. The Tribunal held that the accident occurred due to the rash and negligent driving of the driver of the lorry bearing No.AP02V 2077. With regard to compensation, the Tribunal assessed the annual income of the deceased at Rs.15,000/- in the absence of any evidence. After deducting 1/3rd thereof, Rs.10,000/- was taken and multiplier of 13 was applied, since the deceased was between 45 to 50 years. Accordingly, the compensation was calculated at Rs.1,30,000/-. An amount of Rs.2,000/- was awarded towards funeral expenses and Rs.2,500/- towards loss of estate. Thus, in all, an amount of Rs.1,34,500/- was awarded, by award dated 14.02.2005. Seeking enhancement of the said amount, the present appeal is filed.

4. Even in case of persons like deceased, the notional income that can be taken is Rs.3,000/- per month and the said amount has to be

enhanced by 30%. In view of future prospects, if the said amount is taken, it would be Rs.3,900/- per month. In view of less number of dependants, 1/3rd thereof should be deducted. Hence, the notional income would come to Rs.2,600/- per month and the appropriate multiplier is 13. If the same is applied, the loss of contribution to the family comes to Rs.4,05,600/- i.e., Rs.2,600 X 12 X 13. The first petitioner lost the company of the deceased and hence the loss of consortium should be awarded at Rs.50,000/-. The loss of funeral expenses and loss of estate are also need to be enhanced. Therefore, the loss of funeral expenses is enhanced from Rs.2,000/- to Rs.10,000/- and the loss of estate is enhanced from Rs.2,500/- to Rs.10,000/-. Thus, the award of Rs.1,34,500/- awarded by the Tribunal is enhanced to Rs.4,75,600/- and the enhanced amount shall carry interest at 9% per annum from the date of petition till realization. The enhanced amount shall be paid to the claimants on payment of deficit Court fee as the claimants paid Court fee claiming an amount of Rs.3,00,000/-.

5. The appeal is, accordingly, allowed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 10.12.2015
TJMR