

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA MP No.2984 of 2010

IN/AND

M.A.C.M.A.No.2892 of 2015

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ORDER :

Heard the learned counsel for the claimants/appellants, no other than parents and major brother of the deceased by name, B.Ravinder Reddy-unmarried, of the motor accident dated 31.07.2006 due to the alleged rash and negligent driving of the Maruthi Van bearing No.AP 37 L 4449 of the 1st respondent insured with the 2nd respondent in saying while deceased was proceeding on his scooter bearing No.AP 28 R 5932 to his fields to engage a tractor at Turkapally Village, the Maruthi van dashed him, as a result while undergoing treatment he was succumbed to the injuries two days later on 02.08.2006. He was earning Rs.6,500/- p.m. and from the evidence of PWs.2 and 3, so called employer of Asian Security Force and Services through whom the deceased was engaged as Security Guard or Linemen in a private Telecom under a contractor saying he was earning Rs.3,000/- p.m. besides Rs.2,000/- for telephone operation works and the tribunal there from taken Rs.3,000/- p.m. The tribunal arrived the compensation of Rs.2,77,000/- with interest at 6% p.a. The same is impugned in the appeal as utterly low by filing the appeal, with a delay of 16 days stating that about lack of knowledge of receiving certified copy of decree and judgment by the lower Court advocate to maintain the appeal.

2. Heard. For the reasons assigned in the affidavit filed in support of the petition, the delay of 16 days in filing the appeal is

condoned.

3. The appeal is taken up for hearing. The 1st respondent remained exparte before the tribunal and even impleaded in the appeal and dismissed for default on 26.02.2015, no way fatal to the maintainability of the appeal vide **Meka Chakra Rao vs Yelubandi Babu Rao @ Reddemma**^[1] and the same is recorded.

4. As discussed supra, the tribunal taken the earnings of the deceased at Rs.3,000/- p.m. The accident was dated 31.07.2006. The earnings of the deceased deposed by PWs.2 and 3 is nearly Rs.5,000/- p.m. Even there from taken Rs.3,400/- p.m. and half of the amount to be deducted towards personal expenses as the deceased was bachelor, it comes to Rs.1700/- p.m and Rs.20,400/- p.a. and the age of the mother taken by the tribunal though multiplier adopted '11' from age shown, even that of father of PW.1 at the time of giving evidence as '52' in the claim petition, hence, the multiplier applicable for the persons aged between 40 to 45 is '14' and if the same is calculated, it comes to Rs.2,85,600/-(Rs.20,400x14). Apart from the same, the claimants are entitled to Rs.25,000/- towards funeral expenses, Rs.10,000/- towards loss of estate (vide **Rajesh Vs. Ranbir Singh**^[2]). Thus, in total it comes to Rs.3,20,600/-.

5. Accordingly and in the result, the appeal is partly allowed by enhancing compensation from Rs.2,77,000/- to Rs.3,20,600/- and also enhancement of interest from 6% to 7.5% p.a. on the original amount from the date of appeal till realization

while upholding 6% from the date of claim till the date of appeal.
There is no order as to costs.

6. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:29-12-2015

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[\[1\]](#) (2001 (1) ALT 495)

[\[2\]](#) 2013 ACJ 1403