

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2129 of 2005

JUDGMENT:

The appellants herein are claimants in O.P.No.2042 of 2001 on the file of the Court of II Additional Chief Judge, City Civil Court, Hyderabad (for short, Tribunal).

2. The appellants filed the said OP claiming compensation of Rs.4,00,000/- for the death of one Shaik Mahmood in a road accident that occurred on 07.07.2001. It was stated in the said OP that on 07.07.2001 at about 04.50 pm., while the husband of the first appellant was proceeding on his cycle from Lakdi-ka-pool towards Khairatabad, and when he reached near Skyline Hotel near Ayodhya Hotel at Lakdi-ka-pool, one RTC bus bearing route No.156 (H) belonging to Hyderabad Central University Depot came from behind with high speed and dashed him and the wheel of the said bus ran over him, as a result of which, he died on the spot. It was further stated that the deceased was working as a book binder and was earning Rs.4,500/- per month. The respondents filed a counter denying the claim.

3. The Tribunal framed the following issues.

“1. Whether the accident in question has taken place on account of the rash and negligent driving on the part of the driver of the RTC bus bearing Reg. No.AP9Z 2093 belonging to the respondent Corporation?

2. Whether the petitioner is entitled to the compensation and if so, to what amount and from which of the respondents?

3. To what relief?”

4. With regard to the first issue, the Tribunal held that the accident occurred due to the rash and negligent driving of the driver of the RTC bus. With regard to compensation, in the absence of any acceptable evidence, the Tribunal took the monthly income of the deceased as

Rs.1,000/-, and after deducting 1/3 thereof towards personal expenses applying the multiplier of 17, awarded an amount of Rs.2,04,000/- towards compensation. The Tribunal also awarded an amount of Rs.15,000/- towards consortium and Rs.2,000/- towards funeral expenses. In all, the Tribunal awarded an amount of Rs.2,21,000/-, by award dated 20.11.2003. Seeking enhancement of the said compensation, the present appeal is filed.

5. The accident occurred on 07.07.2001 and even in those days also an unskilled worker was getting Rs.100/- per day. If the said amount is taken as a daily wage and for the working days of 25 in a month, the monthly income would be Rs.2,500/-, and after deducting 1/3 thereof, the amount would come to Rs.1,667/- per month. The Tribunal applied the correct multiplier of 17. If the same is applied, the loss of contribution to the family comes to Rs.3,40,068/- i.e., $\text{Rs.1,667} \times 12 \times 17$. In view of the latest decision in **Rajesh v. Rajbir Singh**^[1], the amount towards consortium should be enhanced from Rs.15,000/- to Rs.50,000/- and funeral expenses from Rs.2,000/- to Rs.10,000/-. Hence, the total compensation would come to Rs.4,00,068/- and it is rounded off to Rs.4,00,000/-.

7. Hence, the Award of the Tribunal dated 20.11.2003 in O.P.No.2042 of 2001 is modified by awarding an amount of Rs.4,00,000/-. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of petition till the date of realization.

8. Accordingly, the appeal is allowed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 18.01.2016
TJMR

^[1] (2013) 9 SCC 54

