

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.2411 of 2012

JUDGMENT:

Heard and perused the material on record.

2. The appellant is the claimant. The 1st respondent is the owner and the 2nd respondent is insurer of the lorry bearing No.AP 11T 1281.

3. The tribunal from the evidence on record found that the accident was the result of rash and negligent driving of the driver of the lorry of the 1st respondent insured with the 2nd respondent from the oral evidence of PWs.1, 3 to 5 and also as per Ex.A1-FIR and Ex.A2-Charge sheet. The petitioner as per Ex.A10-S.S.C.Certificate born in the year 1969. By the date of accident in October, 2002, he was aged about 33 years. As per **Sarla Verma v. Delhi Transport Corporation**^[1], the multiplier applicable for the persons aged between 31 to 35 years is '15'. The injured petitioner as junior advocate claimed earnings Rs.6,000/- p.m. and deposed in his chief examination till 1997 as Rs.4,000/- and later as Rs.6,000/-. He did not file any proof as concluded rightly by the tribunal, however taken only Rs.18,000/- p.a.

4. As per **Lata Wadhwa v. State of Bihar**^[2], in the absence of proof of earnings, minimum Rs.3,000/- p.m. to be taken and after the expression by the date of accident which is with two years gap nearly even Rs.3,200/-p.m. taken as earnings, with

prospective increase is 50% from his age as per **Rajesh Vs.**

Ranbir Singh^[3], it comes to Rs.4,800/-p.m. and 60% disability from the amputation of right hand above wrist comes to Rs.2,880/-. If the same is calculated, it comes to Rs.2,880/- x 12 x 15 = Rs.5,18,400/-. Besides that there is another commuted fracture of right leg even awarded Rs.25,000/- including for pain and sufferance, Rs.40,000/- in all medical expenses and medical treatment awarded by the tribunal, extra nourishment what the tribunal awarded of Rs.3,000/- requires to enhance to Rs.5,000/-, Rs.3,000/- towards transport charges as it is claimed ambulance charges etc., in fact of Rs.3,000/- in para 50, attendant charges Rs.6,000/- and even towards loss of total earnings for two months considered of nearly Rs.10,000/- for Rs.4,800/- is the amount permanent income arrived it comes to Rs.6,07,400/-, which is rounded to Rs.6,10,000/-. Thus, in total the claimant is entitled to Rs.6,10,000/- with interest at 7.5% p.a. from the date of claim petition till realization as per as per the expressions in **TN Transport Corporation v. Raja Priya**^[4] and **Rajesh Vs. Ranbir Singh**^[5].

5. Accordingly and in the result, the appeal is partly allowed by enhancing compensation from Rs.2,75,400/- to Rs.6,10,000/-. The enhanced amount carries interest at 7.5% p.a. from today till realisation. There is no order as to costs.

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

Date:27-01-2016
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[\[1\]](#) 2009 ACJ 1298
[\[2\]](#) AIR 2001 (SC) 3218
[\[3\]](#) **2013 ACJ 1403**
[\[4\]](#) (2005) 6 SCC 236
[\[5\]](#) **2013 ACJ 1403**