

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A. No.2261 of 2005

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JUDGMENT:

This appeal is preferred by the claimants in O.P.No.1045 of 2000 on the file of the Motor Accidents Claims Tribunal-cum-District Judge, Warangal (for short, 'the Tribunal') seeking enhancement of the compensation, awarded by its award dated 31.03.2003.

The appellants are the parents of deceased, who died in a motor accident that occurred on 29.05.2000 when he was going on a scooter bearing registration No.AP36D 8240, belonging to respondent No.2 herein, along with respondent No.1. It was alleged that when they were going to Hanamkonda, near Thirumala Hatcheries respondent No.1 herein drove the scooter in a rash and negligent manner and dashed against the cyclist. In the said accident, he fell down and received injuries and died. He was aged about 22 years and it was claimed that he was earning Rs.3,000/- per month and he was unmarried.

The case was contested by the respondents before the Tribunal.

The Tribunal framed the following issues:

1. Whether the accident was due to rash and negligent driving of the driver of the vehicle?
2. Whether the petitioners are entitled for compensation as the legal heirs of the deceased, from which of the Respondent?
3. To what relief?

Before the Tribunal, the claimants examined PW1 and PW2 and marked exhibits A1 to A6. On behalf of the respondents, no oral or documentary evidence was adduced.

The Tribunal, on the basis of oral and documentary evidence, held that the accident occurred due to rash and negligent driving of the vehicle bearing

registration No.AP 36D 8240.

Coming to the compensation, though it was claimed that the deceased was aged about 22 years, as per the Post Mortem report his age was shown as 20 years. He was treated as a labourer and his monthly income was fixed at Rs.900/-. Since he was unmarried, his contribution to the family was fixed at Rs.500/-. Taking the age of the mother of deceased, by applying the multiplier of '12' the annual loss of dependency was arrived at Rs.72,000/-. Besides the said amount, an amount of Rs.15,000/- was awarded towards non-pecuniary damages. Thus, in all the Tribunal awarded an amount of Rs.87,000/-, by its award dated 31.03.2003. Seeking enhancement of the said amount, the present appeal is filed.

The age and occupation of the deceased cannot be disputed. However, the monthly income fixed at Rs.900/-, even in the year 2000, is grossly inadequate and it requires to be enhanced to Rs.1,500/-. Since he was unmarried, 50% of the said amount is taken for the purpose of personal expenses. The remaining 50% would be contribution to the family. In view of the age, the appropriate multiplier that is applicable is '18', and if the same is taken into consideration, the loss of dependency comes to Rs.1,62,000/-. Besides the said amount, an amount of Rs.10,000/- to be awarded towards funeral expenses and another amount of Rs.20,000/- towards loss of love and affection to the parents, who are the appellants herein. Hence, the appeal is allowed awarding the amount of Rs.1,92,000/- (Rupees one lakh and ninety two thousand only) in the place of Rs.87,000/-, awarded by the Tribunal, by its award dated 31.03.2003, and the enhanced amount of compensation shall carry the interest @ 9% per annum from the date of petition till the date of realisation.

Accordingly, this appeal is partly allowed. No order as to costs.

Miscellaneous Petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

01.02.2016

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