

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.CMA.No.1422 OF 2009

JUDGMENT:

Mainly on the ground that by order and decree, dated 11.06.2004, passed in O.P.No.603 of 2000 on the file of Chairman, Motor Accidents Claims Tribunal, West Godavari at Eluru, the Tribunal, despite determining the compensation at Rs.2,81,308/-, in a claim made by the legal representatives of one Reddi Satyanarayana, who died in a road accident that took place on 22.04.1998, but restricted the same to Rs.1,00,000/-, the legal representatives of the deceased Reddi Satyanarayana preferred the instant appeal seeking to grant the total amount determined by the Tribunal, as against the claim made by them.

2. Heard Sri S. Syamsunder Rao, learned counsel for the appellants and Sri B. Devanand, learned counsel for respondent

No.2 – Insurance Company. Though notice was sought to be served on respondent No.1, as per postal endorsement, it appears that he has refused to receive the same. The presumption, therefore, is deemed service.

3. So far as the fact-situation is concerned, there is no dispute between the parties. In fact, the learned

Standing Counsel for respondent No.2 - Insurance Company does not dispute the monthly earnings of the deceased at Rs.2,100/- as fixed by the Tribunal, age of the deceased as 35 years, application of multiplier '14.81' basing on the decision of this Court in **Bhagwan Das v. Mohd. Arif**^[1], working out the loss of dependency at Rs.2,48,809/-, and awarding Rs.15,000/- towards loss of consortium, Rs.15,000/- towards loss of estate and Rs.2,500/- towards funeral expenses, thus, making a total of Rs.2,81,308/-.

4. Learned counsel for the appellants – petitioners placed reliance on the decision of the Honourable Supreme Court in **Nagappa v. Gurudayal Singh and others**^[2], wherein it is held that the Tribunal can grant more compensation than claimed.

5. The principle of law laid down by the Honourable Supreme Court in **Nagappa's case (supra 2)** is restated time and again. Hence, the amount of Rs.2,81,308/- arrived at by the Tribunal is just and fair compensation to which the appellants are entitled.

6. Hence, the appeal is allowed enhancing the compensation from Rs.1,00,000/- to Rs.2,81,308/- with interest at 9% per annum on the amount of Rs.1,00,000/-

awarded by the Tribunal and at 7.5% per annum on the enhanced amount from the date of petition till realisation, in view of the decision of the Honourable Supreme Court in **Rajesh and others v. Rajbir Singh and others**^[3].

7. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

A. SHANKAR

NARAYANA, J
August 02, 2016.
MD

^[1] AIR 1988 AP 99

^[2] AIR 2003 SC 674

^[3] (2013) 9 SCC 54