

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.4750 of 2008

JUDGMENT:

The claimants are parents of the deceased by name Ravi, aged about 26 years maintained the claim under Sections 163-A and 166 of the Motor Vehicles Act for Rs.6,00,000/- for the accident of him on 02.06.2003, while he was returning from Kothapalli on bullock cart, due to the rash and negligent driving of the driver of the Toyota Qualis bearing No.AP 09 AH 7565 of the 1st respondent insured with the 2nd respondent, dashed the bullock cart and the rider of the bullock cart. The deceased having sustained injuries, while undergoing treatment with no lapse of time of 24 hours was succumbed there from in making the claim and the tribunal having held that the accident was the result of rash and negligent driving of the driver of the 1st respondent awarded compensation of Rs.1,47,000/- with interest at 7.5% p.a. vide award dated 10.07.2008 and impugning the said quantum as utterly low, the present appeal is maintained.

2. It is represented that the 1st respondent, who remained ex parte before the tribunal is not a necessary party to the appeal. Hence, the same is recorded.

3. Learned counsel for the appellants reiterated the contentions raised in the claim that the tribunal ought to have awarded Rs.6,00,000/- as prayed for.

4. Whereas, it is the contention of the learned counsel for the 2nd respondent that award of the tribunal holds good and for this Court while sitting in the appeal, there is nothing to interfere and prayed to dismiss the appeal.

5. Heard and perused the material on record.

6. Even from the submissions of both sides, the multiplier 13 taken by the tribunal from the age of 45 years of the mother of the deceased no way requires interference. As the accident is in 2003, two years after the expression of the Apex Court in *Lata Wadhwa v. State of Bihar*¹, even Rs.3,200/- p.m. is taken as earnings of the deceased, it comes to Rs.38,400/- p.a. As the deceased was unmarried, half of the amount is deducted towards his personal expenses, it comes to Rs.19,200/- p.a. and the same is multiplied with multiplier '13', it comes to Rs.2,49,600/-.

¹ AIR 2001 (SC) 3218

Apart from it, the claimants are entitled to Rs.15,000/- towards medical expenses, Rs.25,000/- towards funeral expenses and Rs.10,000/- towards loss of estate. Thus, in total it comes to Rs.2,99,600/-, which is rounded to Rs.3,00,000/-.

7. Accordingly and in the result, the appeal is partly allowed by enhancing compensation from Rs.1,47,000/- to Rs.3,00,000/- with interest at 7.5% p.a. from the date of petition till realization. There is no order as to costs.

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



Dr. B. SIVA SANKARA RAO, J

Date:12-09-2016
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