

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

MACMA No.498 OF 2016

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JUDGMENT:

Aggrieved by the Award dated 19.07.2010 in MV OP No.178 of 2008 passed by the Chairman, Motor Accidents Claims Tribunal-cum-Principal District Judge (for short, the Tribunal'), Medak at Sangareddy, the claimants maintained the present appeal with the contentions in the grounds of the appeal that the award of the Tribunal is utterly low and to enhance.

02. Heard learned counsel for the appellants – claimants and respondent No.2 - insurer.

03. The first respondent owner of the lorry remained exparte before the Tribunal and dismissed for default in the appeal, no way fatal to the appeal vide expression in **Meka Chakra Rao v. Yelubandi Babu Rao @ Reddemma And others**^[1].

04. Perused the material on record.

05. As per the evidence of P.W.3 with reference to Exs.A.7 and A.8, the deceased was drawing gross salary of Rs.3,640/- and net salary shown Rs.3,203/- as on December, 2007 i.e. by the date of accident 30.12.2007 and as per Ex.A.5 - PME report, the age of the deceased was shown as 28 years, the multiplier applicable is '17'. The Tribunal taken the earnings of the deceased at Rs.3,200/- per month, after deduction 1/3rd of the earnings towards his personal expenses, arrived to compensation at Rs.4,45,132/-.

06. As per the expression of the Apex Court in **Sarla Verma v. Delhi Transport Corporation**^[2], the prospective earnings can be taken at 15%, but even to the net salary Rs.3,200/-, it comes to Rs.4,800/-, therefrom if 1/4th of the earnings to be deducted towards his personal earnings as the claimants are 5 in number, the contribution of earnings to

his family is Rs.3,600/-, application of '17' multiplier for the persons aged between 26 and 30, the loss of earnings arrived at Rs.7,34,400/- (Rs.3,600/- x 12 x 17). Apart from the loss of earnings, the first claimant is entitled an amount of Rs.1,00,000/- towards loss of consortium, the claimants are entitled an amount of Rs.25,000/- towards funeral expenses, Rs.10,000/- towards loss of estate and the claimants 2 and 3 are entitled an amount of Rs.20,000/- towards love and affection vide expression in **Rajesh v. Rajbir Singh**^[3]. In all, the claimants are entitled an amount of Rs.8,89,400/- rounded to Rs.8,90,000/-.

07. Accordingly, and in the result, the appeal is partly allowed enhancing the compensation from Rs.4,45,132/- to Rs.8,90,000/- (Rupees eight lakhs, ninety thousand only) subject to condition not entitled interest from the date of claim petition on the enhanced amount, but from today. Rest of the terms in the award holds good. No costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

09.02.2016
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^[1] 2002 ACJ 828

^[2] 2009 ACJ 1298

^[3] 2013 ACJ 1403