HON'BLE SMT. JUSTICE T. RAJANI

M.A.C.M.A. No.2183 of 2006

JUDGMENT :

This Civil Miscellaneous Appeal, under Section 173 of the Motor Vehicles Act, 1988 (for brevity "the Act") is preferred by the appellants/petitioners aggrieved by the order and decree dated 07.06.2006 in M.V.O.P.No.691 of 2003 passed by the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Guntur District (for brevity "the Tribunal"), on the grounds – that the Tribunal awarded less amounts under all the heads, that the Tribunal erred in not considering Ex.A.7 – Certificate issued by the Managing Director of Sai Sadhana Chit Fund (P) Limited, which shows that the deceased was drawing commission of Rs.6,000/- per month as a Chit Agent, and that the Tribunal did not award any amount under Ex.A.10 – Medical Bills.

2. Heard Sri Posani Venkateswarlu, learned counsel for the appellants/petitioners as well as Sri Ravi Shankar Jandhyala, learned Standing Counsel for 3rd respondent – National Insurance Company Limited and perused the material on record.

3. At the hearing, learned counsel for the appellants/petitioners mainly argued about the income of the deceased and the multiplier adopted by the Tribunal.

4. It is to be seen that the deceased being an agriculturist, the Tribunal took the income of the deceased as Rs.36,750/- per year by estimating the income of the deceased at Rs.3,500/- per acre per year. However, in the case of death of an agriculturist, the law is well settled by now that the loss that would be sustained by the appellants/petitioners due to the death of the deceased would be the loss of only supervisory assistance that is being rendered by the deceased and the value of the said supervisory assistance can be estimated at Rs.3,000/- per month. In this case, the monthly loss being sustained by the appellants/petitioners was estimated at Rs.3,500/-, which, in the considered opinion of this Court, is fair enough and needs no interference. The Tribunal, after deducting 1/3rd amount towards personal expenses of the deceased arrived at the balance amount of Rs.24,500/- per annum. But it seems to be erroneous as Rs.3,500/- x 12 = Rs.42,000/-. After deduction of 1/3rd, it would be Rs.28,000/-. If the same is multiplied with the appropriate multiplier '14', which is suitable for the age of 40 years, as per the decision rendered by the Apex Court in SARLA VERMA v. DTC[1], the loss of dependency sustained by the appellants/petitioners would be worked out to Rs.3,92,000/- (Rs.28,000/- x 14 = Rs.3,92,000/-) and the same is awarded to the appellants/petitioners towards loss of future income. The other amounts awarded by the Tribunal

[1] (2009) 6 SCC 121

are not interfered with, as they are considered to be just and reasonable. Hence, the total amount of compensation being awarded to the appellants/petitioners comes to Rs.4,12,000/- (i.e., Rs.3,92,000/- towards loss of dependency + Rs.10,000/- towards loss of estate + Rs.10,000/- towards consortium).

5. Accordingly, the Civil Miscellaneous Appeal is allowed in part enhancing the amount of compensation from Rs.2,89,500/- to Rs.4,12,000/- (Rupees four lakhs twelve thousand only). In all other aspects, the impugned order and decree passed by the Tribunal shall remain unaltered. Proportionate costs are awarded.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T. RAJANI

02.06.2017.
Msr

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