HON'BLE SRI JUSTICE M.S.K.JAISWAL

M.A.C.M.A.No.1209 of 2010

JUDGMENT:

The 2nd respondent/insurance company filed this appeal questioning the award of the learned Chairman, Motor Accidents Claims Tribunal-cum-V Additional District Judge (FTC), Kurnool at Nandyal in M.V.O.P.No.176 of 2007, dated 19.11.2009, whereby the Tribunal awarded a compensation of Rs.2,50,000/- together with interest @7.5% per annum, in view of the death of the deceased Venkataratnam Chowdary in an accident that took place on 13.03.2007, involving the lorry bearing registration No.AP27-V-1898 and a tractor bearing registration No.AP-21A-T/R00679 at about 8 a.m near Diguva Metta.

The brief facts of the case are that on 13.03.2007 the deceased Venkataratnam Chowdary and one K.Sreenivasarao were proceeding on the Tractor to go to Nandyal at about 8 a.m. when the tractor reached near Diguva Metta, the offending lorry came in opposite direction in a rash and negligent manner and dashed the tractor, as a result, the deceased and K.Sreenivasarao sustained grievous injuries and the deceased succumbed to injuries.

In the accident, the deceased and one Sreenivasarao sustained injuries. The deceased was working as an agriculturist and young boy aged 23 years. The respondents/claimants are the parents of the deceased. The Tribunal has taken into consideration the oral and documentary evidence on record and has determined the notional income of the deceased @Rs.70-/- per day and arrived at Rs.25,200/- per annum. Having done so, the learned Tribunal has deducted 1/3rd towards personal expenses and determined the loss of dependency @Rs.16,800/- per year and applied multiplier '17' and determined the compensation at Rs.2,85,600/-.

As rightly submitted by the learned counsel for the appellant/insurance company that the Tribunal has erred in deducting 1/3rd towards personal expenses, whereas it ought to have deducted 50% thereof, since admittedly, the deceased was a bachelor aged 23 years. There is sufficient force in this submission. However, the Tribunal has taken the multiplier '17' which is incorrect, for the reason that the deceased would come within the age group of 20 to 25 years and appropriate multiplier is '18' but not '17' for the said age group. Therefore, this part of the award is liable to be rectified as under:

Notional income of the deceased is @Rs.25.200/- p.a.

After deducting 50% thereof it would come to Rs.12,600/-

If appropriate multiplier '18' is applied, it would come to Rs.2,26,800/- (Rs.12,600/- x 18), which can be rounded off to Rs.2,30,000/-

In addition to the above, the respondents/claimants are entitled to a sum of Rs.5,000/- towards funeral expenses and Rs.15,000/- towards loss of estate, considering the age of the deceased.

In view of the above, the MACMA is disposed of, awarding compensation of Rs.2,50,000/- to the respondents/claimants together with interest @7.5% p.a. from the date of petition till the date of deposit. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

M.S.K.JAISWAL, J

Date: 12th June, 2017
Dsr