HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A.No.263 OF 2014

JUDGMENT:

Dissatisfied with the award of Rs.4,09,000/- as compensation by order and decree, dated 03.03.2011, passed in M.V.O.P.No.246 of 2010 by the Chairman, Motor Accidents Claims Tribunal – cum – I Additional District Judge, Medak at Sangareddy, as against the claim of Rs.8,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988, the petitioners – claimants in the aforesaid O.P., who are the wife and children of the deceased, Shivaram, preferred the present appeal seeking enhancement of compensation.

2. Heard Ms. B.V. Aparna Lakshmi, learned counsel representing Sri C.V. Bhaskara Reddy, learned counsel for the appellants, and Sri N. Vasudeva Reddy, learned Standing Counsel appearing for the respondent.

3. There is no dispute with regard to the fact situation occurring in the present case leading to the death of the deceased and no evidence is let in by the respondent.

4. The short question that arises for consideration is whether the compensation amount awarded by the Tribunal is just and adequate? If not, to what quantum of compensation the appellants are entitled?

5. The Tribunal has taken the age of the deceased as 30 years, basing on the entries in the postmortem examination report, marked as

Ex.A3, and the earnings at Rs.36,000/- per annum or Rs.3,000/- per month, as the deceased being an agriculturist, and having deducted 1/3rd therefrom towards the personal living expenses of the deceased and applying multiplier factor '16', though, it referred to the ruling in **Sarla Verma v. Delhi Transport Corporation**[1]**,** arrived at the loss of dependency as Rs.3,84,000/-. But, according to the table formulated by the Honourable Apex Court in **Sarla Verma**'s case (supra), the relevant multiplier factor is '17', but not '16' for the age group of persons between 26 and 30 years. Further, the deduction of 1/3rd of the income of the deceased towards his personal living expenses also requires modification, in view of the fact that the dependants are four in number. Thus, when 1/4th is deducted from the annual income of the deceased, the remainder works out to Rs.27,000/- per annum. When multiplier factor '17' is applied, the loss of dependency works out to Rs.4,59,000/-. Since, the deceased was 30 years old, the appellants are also entitled to future prospects at 50% of the loss of dependency, as per the law declared by the Honourable Supreme Court in **Rajesh and others v. Rajbir Singh and others**[2], which works out to Rs.2,29,500/-. Thus, towards loss of dependency, including future prospects, the appellants are entitled to Rs.6,88,500/-. Besides the same, the appellants are also entitled to Rs.50,000/- towards conventional sum, in view of the decision of the Honourable Supreme Court in **Ramilaben Chinubhai**

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[1] (2009) 6 SCC 121
[2] (2013) 9 SCC 54

Parmar Vs. National Insurance Company[3]. Thus, the appellants are totally entitled to Rs.7,38,500/- towards compensation and the same is awarded.

6. So far as the rate of interest is concerned, the Tribunal has awarded interest at the rate of 8% per annum. The same is maintained on the amount of Rs.4,09,000/- awarded by the Tribunal. On the enhanced amount of Rs.3,29,500/-, interest at the rate of 7.5% per annum is awarded, in view of the decision of the Honourable Supreme Court in **Rajesh**'s case (supra 2).

7. The enhanced amount of Rs.3,29,500/- shall be apportioned among the appellants in the same proportion in which the original compensation amount was directed to be apportioned and disbursed by the Tribunal.

8. Accordingly, the appeal is allowed in part. Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

October 10, 2017.
MD

[3] LAWS (SC) -2014-4-67