

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

C.M.A.No. 4236 OF 2003

J U D G M E N T:

This is an Appeal against the order and decree dated 10.06.2002 in O.P.No. 398 of 1999 on the file of the Chairman, Motor Accidents Claims Tribunal –cum- I Additional District Judge at Nalgonda.

The grounds taken in this Appeal are three-fold: 1) the deceased was aged about 42 years at the time of accident, hence, the correct multiplier would be '14' and not '11.8', as per the judgment rendered in ***Sarala Verma v. Delhi Transport Corporation¹***; 2) the deceased was survived by his wife, three daughters and one son. Therefore, his contribution to the family would be three-fourth of the salary and only one-fourth had to be taken towards personal expenditure, in terms of the judgment cited supra; and 3) in the light of the judgment of the Constitution Bench of the Supreme Court in ***National Insurance Company Limited v Pranay Sethi²***, a consolidated amount of Rs.70,000/- towards loss of statutory benefits, loss of consortium, funeral expenses and loss of estate is required to be paid and by calculating all these amounts, the compensation would come to Rs.13,82,857/-.

Learned Standing Counsel for the respondent Insurance Company Sri Kota Subba Rao fairly concedes that in view of the judgments cited supra, the submission made by the learned counsel for the appellants may be considered.

¹ 2009 ACJ 1298

² 2017 ACJ 2700

In view of the fair submission made by the learned Standing Counsel, since the arithmetic calculation is not disputed, the order dated 10.06.2002 is modified to the extent of awarding Rs.13,82,857/- towards compensation with interest, as directed by the Tribunal. The amount, if any paid already shall be given credit to.

The Appeal is accordingly, allowed. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

13th December 2017

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CHALLA KODANDA RAM, J

