

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

MACMA No.958 of 2010

JUDGMENT:

This appeal is arising out of the order dated 06.01.2009 in M.V.O.P.No.674 of 2006 on the file of the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Medak at Sangareddy (for short 'the Tribunal').

2. The appellants are the respondents. The respondents in this appeal are the claimants, who filed the above referred O.P. under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.5,00,000/- on account of the death of the deceased Kammari Ravi in a motor vehicle accident that took place on 07.10.2006 at about 7.30 pm near Zam Zam Dhaba on NH9 in Kandi Village.

3. Heard Sri P.Vinayaka Swami, learned counsel for the appellants and Sri S.Ashok Anand Kumar, learned counsel for the respondents.

4. The point for consideration is whether the appellants are entitled to the relief as prayed for?

5. Learned counsel for the appellants submits that the Tribunal has not taken into consideration the evidence properly and awarded excess compensation by applying the multiplier 17.08 for the age of the deceased 28 years. He also submits that the correct multiplier to be applied in this case

is '17' as per the decision rendered in **SARLA VERMA & OTHERS**

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6. Learned counsel for the respondents also fairly submitted that the multiplier applicable to this case is '17' as per the decision rendered in **SARLA VERMA's case (1 supra)**.

7. In view of the submissions of both the counsel, the correct multiplier applicable in this case is '17', as it is based on the ratio laid down in the case of **SARLA VERMA's case (1 supra)**.

8. The Tribunal has taken the annual contribution to the family of the deceased as Rs.24,000/- and applied 17.08 multiplier for the age of 28 years and total dependency of the claimants was assessed to Rs.4,09,920/-. But the correct multiplier applicable to this case is '17' as per the decision rendered in **SARLA VERMA's case (1 supra)**. Hence, multiplier '17' has to be applied to the annual contribution to the family of the deceased which comes to Rs.4,08,000/- (Rs.24,000/- x 17) towards dependency of the claimants. Therefore, the respondents are entitled to Rs.4,08,000/- towards dependency of the claimants. Hence the difference amount of Rs.1,920/- has to be deducted from the total compensation awarded to the claimants by the Tribunal, which comes to Rs.4,38,080/- (Rs.4,40,000/- - Rs.1,920/-).

9. In view of the foregoing reasons, the appeal is partly allowed modifying the compensation awarded by the Tribunal

¹ 2009 (3) Supreme 487

from Rs.4,40,000/- to Rs.4,38,080/- with proportionate costs and interest at the rate of 7.5% per annum from the date of petition till realisation. The rest of the findings of the Tribunal shall be intact. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this MACMA shall stand closed.

GUDISEVA SHYAM PRASAD,J

Date : 14.02.2017
ssp

