

**THE HON' BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A. No. 211 of 2014**

**JUDGMENT:**

This appeal is arising out of the judgment dated 10.05.2010 in M.V.O.P No.480 of 2007, on the file of the Motor Accidents Claims Tribunal-cum-I-Additional District Judge at Medak, Sangareddy.

2. The appellants are claimants who have filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, claiming a compensation of Rs.3,50,000/- against the respondents 1 and 2. The Tribunal, on consideration of the evidence, has partly allowed the claim petition awarding compensation of Rs.2,84,000/- against the respondent No.1-the Depot Manager, TSRTC, Zaheerabad depot and the respondent No.2 – the Managing Director, TSRTC, Musheerabad.

3. The appellants-claim petitioners, aggrieved by the judgment passed by the Tribunal, awarding compensation of Rs.2,84,000/-, have preferred this appeal for claiming a compensation of Rs.3,50,000/-.

4. As per the averments of the petition, the petitioners are the wife and major sons of the deceased. The deceased traveled in an auto from Budhera to Chinta Village and when the auto reached the limits of Kamkole village on NH9, then a bus bearing No.AP 11 Z 2114 came from opposite direction in a rash and negligent manner in high speed and dashed auto, due to which the auto fell down and all the passengers including the deceased died on the spot.

5. The petitioners are the wife and major sons of the deceased. The deceased, who died in the accident was doing Goldsmith business.

6. As against the claim of compensation of Rs.3,50,000/- by the appellants, the Court below awarded a compensation of Rs.2,84,000/- with interest @ 8% per annum from the date of petition till the date of deposit.

7. The learned counsel for the appellants states that the appellants are entitled for enhancement of compensation in the light of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi**<sup>1</sup>.

8. Heard the arguments of learned counsel for the appellants, and the learned counsel for the respondents.

9. The order passed by the Tribunal is considered and insofar the issue of conventional heads, namely, loss of estate, loss of consortium and funeral expenses is concerned it is apt to refer to the recent decision of the Apex Court in **National Insurance Co.Ltd. v Pranay Sethi** and others, wherein, it was held as follows:

“Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/- Rs.40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years”

10. Taking into consideration the aforementioned decision of the Apex Court, this Court is inclined to grant Rs.40,000/- to the 1<sup>st</sup> appellant (wife of the deceased) towards loss of consortium, Rs.15,000/- to the appellant towards loss of estate and another Rs.15,000/- towards funeral expenses. Thus, the appellants are entitled for a total compensation of Rs.3,44,000/- for which details are given below:

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<sup>1</sup> (2017) ACJ 2700

| Sl.No. | Particulars                                                                                                                                                                        | Amount         |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1      | Towards loss of future income of the petitioners                                                                                                                                   | Rs.2,64,000/-  |
| 2      | Towards love and affection to the petitioner 2 and 3<br>(Rs.5,000/- each)                                                                                                          | Rs. 10,000/-   |
| 3.     | 1) towards loss of consortium to the 1 <sup>st</sup> appellant + Rs.40,000/-<br>2) towards loss of estate to the appellants Rs.15,000/-<br>3) towards funeral expenses Rs.15,000/- | Rs. 70,000/-   |
|        | Total compensation awarded                                                                                                                                                         | Rs. 3,44,000/- |

11. Thus, the appellants are entitled for a total compensation of Rs.3,44,000/- as against the compensation of Rs.2,84,000/- which was awarded by the Tribunal.

12. In the result, the appeal is partly allowed, enhancing the award passed by the Court below from Rs. 2,84,000/- to Rs.3,44,000/- with interest at 8% per annum from the date of petition till realization. The remaining part of the judgment remained unchanged.

**T.AMARNATH GOUD, J**

16<sup>th</sup> November, 2018

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