THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.2512 OF 2014

JUDGMENT:

This appeal is filed by the claimants challenging the order dated 23-02-2012 passed in M.V.O.P.No.1400 of 2010, by the Motor Accident Claims Tribunal-cum-II Additional District Judge, Guntur (for short, the Tribunal).

2. The brief facts of the case are that two days prior to 30-5-2010, the deceased in the above O.P., along with others went to Tirupati in a car bearing No.AP7TA 3006. They returned to Vinukonda on 30-5-2010 and when they reached near Edugundlapadu village on 31-05-2010 at about 3.00 AM., their vehicle dashed the negligently stationed lorry without any signals bearing No.AP16TY 1026, as a result of which, all the inmates of the car received injuries and died on the spot. The claimants filed the above O.P., for awarding compensation due to the death of the deceased.

3. The first respondent in the claim petition remained ex parte. Respondents 2 to 4 filed their counters denying the allegations in the claim petition and contended that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the evidence produced by the parties, the Tribunal held that the accident occurred due to the negligent

parking of the lorry bearing No.AP16TY 1026 and directed respondents 1 and 2 in the claim petition to pay compensation to the claimants i.e., Rs.14,94,576/- towards loss of income, Rs.10,000/- towards loss of consortium and Rs.10,000/- towards loss of estate, total Rs.15,14,576/- against the claim of Rs.35,00,000/-. Aggrieved thereby, the appellants/claimants filed the present appeal.

5. Heard.

6. A perusal of the order of the Tribunal, it is clear that though income tax returns of the deceased for the year 2010-11 showing the income of the deceased at Rs.4,46,574/- were produced before the Tribunal, which has been supported in the evidence of P.W.3, the Tribunal has wrongly considered the income of the deceased at Rs.1,40,116/-. Therefore, this Court feels it just and proper to fix the annual income of the deceased at Rs.2,00,000/-. After deducting 1/3rd towards his personal expenses, the annual income would be Rs.1,33,333/- per year. The multiplier for the age of the deceased is '16' as per the ratio laid down by the Hon'ble Supreme Court in **Smt.Sarala Varma V. Delhi Transport Corporation[1].** Hence, the compensation under the head loss of dependency comes to Rs.21,33,328/-. Regarding the other conventional heads, in the light of the judgment of the Apex Court in **National Insurance Co.**

---

[1] 2009(6) SCC 121

Ltd. Vs. Pranay Sethi[2], the appellants are entitled to Rs.70,000/-. The total compensation the appellants are entitled is Rs.22,03,328/- along with proportionate costs and interest @ 7.5% per annum.

7. Accordingly the appeal is partly allowed to the extent indicated above. Miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 23-11-2018
Shr

[2] 2017(6) ALD 170 (SC)