THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.2474 OF 2003

JUDGMENT:

This appeal is filed by the appellant-claimant No.1 under Section 173 of the M.V. Act, aggrieved by the order, dated 25.3.2003, in M.V.O.P.No.450 of 1999, passed by the Motor Accident Claims Tribunal-cum-IV Addl. District Judge, Guntur, for enhancement of compensation.

2. Heard learned counsel for the appellant, the learned standing counsel for the Insurance Company and perused the record.

3. Learned counsel for the appellant would submit that total compensation of Rs.2,03,000/-was granted by the Tribunal. The deceased-Veera Raghavaiah was aged 25 years and earning Rs.60,000/- per annum. The Tribunal has not taken the correct annual income and correct multiplier. The Tribunal had granted meager compensation on other heads and ultimately, prayed to enhance the compensation.

4. On the other hand, learned counsel for the Insurance Company would submit that the Tribunal had taken all the factors into consideration and awarded adequate and reasonable compensation. There are no circumstances to enhance the same and ultimately, prayed to dismiss the appeal.

5. As far as the accidental death of the deceased is concerned, there is no dispute. There is also no dispute with regard to the rash and negligent driving of the crime vehicle by its driver. The only question that arises for

determination is whether the appellant is entitled for enhancement of compensation.

6. It is evident from the record that the Tribunal had taken 17 as multiplier for the age of 25 years. As per decision reported in **SARLA VERMA (SMT) AND OTHERS V DELHI TRANSPORT CORPORATION AND ANOTHER** [1], the correct multiplier is 18. The Tribunal had taken the annual income of the deceased at Rs.15,000/- There is evidence to show that the deceased was working as cotton buyer. It is also stated that he was earning Rs.60,000/- per annum. However, it appears to be very high. There is no doubt that the appellant-wife and his parents are depending on him. In view of the evidence on record, it can safely be concluded that the deceased was 25 years old, working as cotton buyer and earning Rs.18,000/- per annum. Therefore, loss of dependency to his family can be taken as Rs.18,000/- per annum. If 1/3 rd is deducted towards personal expenses, the amount comes to Rs.12,000/-. As per *Sarala Verma's* case, the proper multiplier applicable is 18. Therefore, the appellant is entitled to compensation of Rs.2,16,000/- (Rs.12,000/- X 18). The appellant is also entitled to Rs.5,000/- towards funeral expenses, Rs.10,000/- towards loss of estate, Rs.25,000/- towards loss of consortium and Rs.5,000/- towards transportation charges. In all, the appellant is entitled to compensation of Rs.2,61,000/-.

7. In the result, the compensation awarded by the Tribunal is enhanced from Rs.2,03,000/- to Rs.2,61,000/-. The appellant is entitled to interest at 9% p.a., on the enhanced compensation amount from the date of petition

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[1] (2009) 6 SCC 121

till the date of realization. The claimants in M.V.O.P. i.e., appellant and respondents 3 and 4 herein are entitled to share the enhanced compensation amount equally. There is no change of other conditions in the order of the Tribunal.

8. Accordingly, the Civil Miscellaneous Appeal is partly allowed. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 04-06-2018
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