THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3271 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellants-claimants aggrieved by the order dated 13.09.2005 in O.P.No.198 of 2003 on the file of the Motor Accident Claims Tribunal-cum-III Additional District Judge (I Fast Track Court), Nalgonda (for short 'the Tribunal').

2. Heard the learned counsel for appellants-claimants, the learned Standing Counsel for the 2nd respondent-Insurance Company and perused the record. The appeal against 1st respondent was dismissed for default on 06.01.2012.

3. Learned counsel for the appellants-claimants would contend that the deceased was worker in M/s.Divya wines shop and earning Rs.4,000/- to Rs.5,000/- per month. To substantiate the same, the claimants have examined the owner of the wine shop. The Tribunal had taken the monthly income of the deceased at Rs.2,000/- and awarded meagre compensation and ultimately, prayed to enhance the same.

4. On the other hand, learned counsel for the respondent-insurance company would contend that the Tribunal had rightly taken the income of the deceased at Rs.2,000/-. The owner of the shop did not produce any document to show that he was running a wine shop. Therefore, the Tribunal justified in doing so. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal.

5. There is no dispute with regard to the death of the deceased-Ch.Narasimha Reddy in a motor accident that occurred on 22.12.2002 due to the rash and negligent driving of lorry bearing No.AP11/W-4568. The only dispute is with regard to quantum of compensation.

6. Admittedly, the so-called owner of the wine shop i.e., P.W.3 did not file any copy of licence to show that she was running a wine shop. In view of the same, the Tribunal justified in not accepting the monthly income of the deceased between Rs.4,000/- and 5,000/-. As per the evidence placed on record, the deceased was an earning member and the claimants are his parents and they are the dependents on him. Under these circumstances, the monthly income of the deceased including future hike can be taken as Rs.2,500/-, which includes future hike, and it comes to Rs.30,000/- per annum.

7. It is appropriate to refer the decision rendered in *Munnalal Jain and others v. Vipin Kumar Sharma and others*[1], wherein it is held as under:

> "When the deceased was a bachelor, relevant multiplier applicable to his age group has to be taken into consideration.
>
> The selection of multiplier is based on the age of the deceased and not on the basis of the age of the dependant. There may be a number of dependents of the deceased whose age may be different and therefore the age of the dependents has no nexus with the computation of compensation."

In the said decision, when the deceased was a bachelor, the Apex Court has taken the age of the deceased to assess the loss of dependency. As per the decision in *Sarla Verma v. Delhi Transport*

[1] 2015(6) SCC 347

Corporation[2], the appropriate multiplier to the age (25 years) of the deceased is '18'. Since the deceased was a bachelor, half of the income is liable to be deducted towards his personal expenses. So, the annual contribution of the deceased to the claimants comes to Rs.15,000/-. After applying multiplier '18', the compensation for loss of dependency comes to Rs.2,70,000/- (Rs.15,000/- x 18). The claimants, who are parents of the deceased are also entitled for a sum of Rs.15,000/- towards loss of love and affection and another Rs.15,000/- towards funeral expenses. In all, the appellants-claimants are entitled for a sum of Rs.3,00,000/- towards compensation with interest @ 7.5% per annum on the enhanced compensation.

8. Accordingly, the appeal is allowed in part modifying the order, dated 13.09.2005 passed by the Tribunal in O.P.No.198 of 2003, enhancing the compensation from Rs.1,96,500/- to Rs.3,00,000/- with interest @ 7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. On such deposit, both the claimants are permitted to withdraw the entire amount along with the interest accrued thereon equally.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

____
Dr. SHAMEEM AKTHER, J

Date: 24.08.2018
ssp

---

[2] AIR 2009 SC 3104