

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1051 OF 2015

JUDGMENT:

This appeal is filed seeking enhancement of the claim amount by the claimants against the award passed in M.V.O.P.No.1549 of 2012 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Guntur.

2. Appellant Nos.1 to 5 are father, mother, wife and daughters of the deceased-Velagapudi Chinna Narayana, respectively, filed this appeal, having dissatisfied with the quantum of compensation awarded by the Tribunal on account of the death of the deceased in the motor vehicle accident.

3. The brief facts of the case are that on 12.09.2012 at about 4.30 pm, while the deceased was proceeding on his motorcycle from Viunukonda to Irlapadu Village, and when he reached near Balaji Estate at Vittamrajupalem Village, a Scorpio vehicle bearing No.AP 27 AK 0555, came at high speed in rash and negligent manner and dashed the motorcycle of the deceased from its behind. In the said accident, the deceased sustained grievous injuries and immediately he was shifted to Karumuru Srinivasreddy Hospital, Narasaraopet, and from there, to Amaravathi Hospital, Guntur, but he succumbed to the injuries on the same day while undergoing treatment. The appellants filed the claim petition claiming compensation of Rs.6,00,000/- against the respondents, the owner and the insurer of Scorpio, respectively.

3. The deceased being an agriculturist was earning Rs.10,000/- per month, but, however, the same could not be established. P.W.1, in her deposition, inadvertently stated that Rs.10,000/- per annum is the earnings of the deceased. However, as per the judgment of the Apex Court in ***New India Assurance Co. Ltd., v. Kalpana (Smt)***¹, an amount of Rs.3,000/- per month can be taken as the income of the deceased. As the claimants are 5 in number, 1/4th amount has to be deducted towards his personal expenses. Hence, the income of the deceased would be Rs.27,000/- per year. The multiplier for the age of the deceased is '17' as per the ratio laid down by the Hon'ble Supreme Court in ***Smt.Sarala Varma v Delhi Transport Corporation***². Hence, the compensation comes to Rs.4,59,000/- (Rs.27,000/- X 17). Regarding the other conventional heads, in the light of the judgment of the Apex Court in ***National Insurance Co. Ltd. Vs. Pranay Sethi***³, the appellants are entitled to Rs.70,000/-. The total compensation the appellants are entitled is Rs.5,29,000/-.

4. In the result, the Motor Accident Civil Miscellaneous Appeal is allowed in part. The compensation awarded by the Tribunal of Rs.2,12,500/- is enhanced to Rs.5,29,000/- with proportionate costs and interest @ 7.5% per annum from the date of petition till realization. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two months from the date of receipt of a copy

¹ (2007) 3 SCC 538

² 2009(6) SCC 121

³ 2017(6) ALD 170 (SC)

of this order. On such deposit, the appellants are permitted to withdraw the entire amount in the proportions, as fixed by the Tribunal. Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 06.12.2018

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