THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3348 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 05.09.2005 in O.P.No.2373 of 2003 on the file of the Motor Accident Claims Tribunal-cum-I Additional Metropolitan Sessions Judge-cum-XV Additional Chief Judge, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellants-claimants, the learned Standing Counsel for the respondent-Insurance Company and perused the record.

3. Learned counsel for the appellants-claimants would contend that the deceased was a bachelor. The Tribunal granted compensation of Rs.50,000/-, which is meagre. The Tribunal has not taken into consideration the governing principles in adjudication of compensation and ultimately prayed to enhance the same.

4. Learned counsel for the respondent-claimant would contend that the Tribunal was justified in granting compensation of Rs.50,000/-. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the point that arises for determination is, whether the appellants are entitled for enhancement of compensation?

6. As per the evidence placed on record, when the deceased-Md.Abdul Khaleel was proceeding on his cycle and taking a turn, a Tata

Sumo bearing No.AP 21D 333 which was coming from Puranapool at high speed in a rash and negligent manner, dashed the deceased, due to which, he fell down and received bleeding injuries and succumbed to the injuries. The criminal case record shows that the driver of the Tata Sumo was charge sheeted for the offence punishable under Section 304-A IPC. The Tribunal while dealing with the aspect elaborately discussed the evidence and held that the deceased died due to the rash and negligent driving of the Tata Sumo by its driver.

7. The Tribunal took the age of the mother of the deceased in assessing the compensation payable to the appellants-claimants. The Tribunal took the annual income of the deceased as Rs.15,000/-, deducted 1/3rd towards his personal expenses, applied multiplier '5' and awarded Rs.50,000/- towards compensation, which is meagre.

8. 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.
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> 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.

9. In view of the facts and circumstance of the case, as the deceased was 25 years old and doing tailoring work, the annual income can be taken as Rs.30,000/- including future hike in the

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[1] 2015(6) SCC 347

remuneration of the deceased. 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/-. As per *Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another*[2] case, the suitable multiplier for the age of 25 years is '18'. 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 mother and brother 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.

10. Accordingly, the appeal is allowed modifying the order, dated 05.09.2005 passed by the Tribunal in O.P.No.2373 of 2003, enhancing the compensation from Rs.50,000/- 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. The other directions given by the Tribunal remain unaltered. On deposit of enhanced compensation, the claimants are permitted to withdraw the same along with the interest accrued thereon, equally.

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

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Dr. SHAMEEM AKTHER, J

Date: 13.08.2018
ssp

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2 2009 (6) SCC 121