THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3396 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 07.07.2005 in O.P.No.209 of 2004 on the file of the Motor Accident Claims Tribunal-cum-Principal District Judge, Medak at Sangareddy (for short 'the Tribunal').

2. Heard the learned counsel for the appellants-claimants, the learned counsel for the respondent-insurance company and perused the record.

3. Learned counsel for the appellants-claimants would contend that the appellants seven in number filed application claiming compensation of Rs.3,50,000/-. The Tribunal granted only compensation of Rs.2,31,000/-, which is meagre. The Tribunal had not taken correct multiplier for the age group of the deceased. The Tribunal has taken the earnings of the deceased as Rs.70/- per day, which is meagre and ultimately, prayed to enhance the compensation.

4. Learned counsel appearing for the respondent-insurance company would contend that the Tribunal had taken all the factors into consideration, rightly assessed and awarded the compensation. 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. There is no dispute with regard to the death of the deceased-Dappu Sukkamma in a motor accident that occurred on 16.03.2004 due to the rash and negligent driving of the driver of auto bearing registration No.AP23/V-4310. The only dispute is with regard to quantum of compensation.

7. As per the material available on record, the deceased was a domestic helper and also attending some other works. Hence, her income can be taken as Rs.2,000/- per month, which comes to Rs.24,000/- per annum. Since there are seven dependents, 1/5th thereof is liable to be deducted towards personal expenses of the deceased. After deducting the same, the net contribution to his family comes to Rs.19,200/- per annum. The suitable multiplier for the age group of the deceased i.e., 40 years as per the decision of the Apex Court in *Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another*[1], is '15'. After applying the multiplier of '15', the loss of dependency comes to Rs.2,88,000/-. The appellants-claimants are entitled for the said amount towards loss of dependency.

8. Further, the appellants are also entitled for a sum of Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and the 1st appellant-husband of the deceased is entitled for Rs.25,000/- towards loss of consortium. In total, the appellants-claimants are entitled for a compensation of Rs.3,43,000/- (Rs.2,88,000/- + Rs.55,000/-) with interest @ 7.5% per annum on the enhanced compensation from the date of petition till the date of deposit.

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[1] 2009 (6) SCC 121

9. Accordingly, the appeal is allowed in part modifying the order, dated 07.07.2005 passed by the Tribunal in O.P.No.209 of 2004, enhancing the compensation from Rs.2,31,000/- to Rs.3,43,000/- 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, the appellants are permitted to withdraw the enhanced compensation along with the interest accrued thereon. The other terms of the order under challenge remain unaltered.

Miscellaneous Petitions pending, if any, in this appeal shall stand closed. No costs.

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Dr. SHAMEEM AKTHER, J

Date: 04.10.2018
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