

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3718 of 2008

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 30.10.2006 in M.V.O.P.No.1837 of 2005 on the file of the V Additional Metropolitan Sessions Judge- (Mahila Court)-cum-XIX Additional Chief Judge, City Criminal Court, Hyderabad.

2. Heard the learned counsel for appellants-claimants and perused the record. The appeal against respondent No.1 was dismissed for default on 27.08.2016. In spite of service of notice, there is no representation for respondent No.2. Hence, the appeal can be disposed of on merits basing on the record available.

3. Learned counsel for the appellants-claimants would contend that the deceased was a bachelor, who was aged 21 years. The claimants are parents and brother of the deceased. The Court below granted compensation of Rs.1,27,000/- with interest @7% per annum, which is meagre and ultimately, prayed to enhance the same.

4. There is no dispute with regard to the death of the deceased-G.Raju in a motor accident caused by lorry bearing No.ABT 945 being driven by its driver in rash and negligent manner on 27.03.2005. The only dispute is with regard to quantum of compensation and interest awarded thereon.

5. The deceased was helper in Balaji Engineering Corporation and earning monthly salary of Rs.3,500/-. Ex.A6-salary certificate shows the same. The Court below having considered the evidence held that the deceased was earning person, aged 21 years and his monthly remuneration is Rs.2,500/-, applied multiplier '14' by taking the age of the mother of the deceased (41 years) and assessed compensation of Rs.1,12,056/- towards loss of dependency and Rs.5,000/- towards loss of love and affection. In all, the Court below granted compensation of Rs.1,27,000/-.

5. 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 Corporation*², the appropriate multiplier to the age (21 years) of the deceased is '18'. The Court below had taken the annual income of the deceased at Rs.30,000/-. Since the deceased was a bachelor, half of the income is liable to be deducted towards his personal expenses. So, the annual

¹ 2015(6) SCC 347

² AIR 2009 SC 3104

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 and brother 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.

6. Accordingly, the appeal is allowed in part modifying the order, dated 30.10.2006 passed by the Court below in O.P.No.1837 of 2005, enhancing the compensation from Rs.1,27,000/- 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. On such deposit, the claimants are permitted to withdraw the entire amount along with the interest accrued thereon.

Miscellaneous Petitions pending, if any, shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 24.07.2018
ssp