

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3094 OF 2007

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 22.03.2006 in O.P.No.2099 of 2003 on the file of the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Red Hills, Nampally at Hyderabad.

2. Heard the learned Standing Counsel for appellant-Insurance Company, the learned counsel for respondents-claimants and perused the record. The claim against respondent No.4 was dismissed for default on 30.06.2017.

3. Learned Standing Counsel for the appellant-Insurance Company would contend that the Tribunal applied wrong multiplier and the suitable multiplier is '13'. He also contended that the Tribunal granted excess compensation on other heads and ultimately, prayed to reduce the same.

4. On the other hand, learned counsel appearing for the respondents-claimants would contend that the deceased-G.Ravinder Goud was 35 years old. The Tribunal applied correct multiplier and granted just and reasonable compensation. Therefore, there are no merits in the appeal and ultimately, prayed to dismiss the same.

5. In view of the submissions made by both sides, the only point that arises for determination is, whether the compensation awarded by the Tribunal is liable to be reduced?

6. There is no dispute with regard to the death of the deceased-G.Ravinder Goud in a motor accident occurred on 07.05.2003 due to the rash and negligent driving of the driver of jeep bearing No.AP-25U-2368. The only dispute is with regard to quantum of compensation.

7. As per the evidence on record, the age of the deceased-G.Ravinder Goud was 35 years. The Tribunal applied multiplier '16'. As per the decision of the Apex Court in *Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another*¹ case, the suit multiplier for the age of 35 years is '16'. Therefore, there is nothing wrong on the part of the Tribunal in applying the multiplier '16' in assessing the compensation.

8. The Tribunal had taken the monthly income of the deceased as Rs.2,000/-, deducted 1/3rd towards his personal expenses, applied correct multiplier and assessed the compensation at Rs.2,56,128/- towards loss of dependency. The Tribunal also granted Rs.15,000/- towards loss of consortium, Rs.15,000/- towards loss of estate, Rs.5,000/- towards transportation and funeral expenses and Rs.10,000/- towards loss of love and affection. In total, the Tribunal granted compensation of Rs.3,01,128/- with interest @ 6% per annum from the date of petition till the date of realisation. In view of the facts and circumstances of the case, awarding of compensation of Rs.3,01,128/- for the death of a person, who is aged 35 years, cannot be held to be excessive. Hence, this Court is of the view that no interference is required in the order under challenge. The appeal is devoid of merit and is liable to be dismissed.

¹ 2009 (6) SCC 121

9. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 30.07.2018
ssp

