

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3312 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 31.08.2004 in O.P.No.1513 of 2002 on the file of the Motor Accident Claims Tribunal-cum-XI Additional Chief Judge, City Civil Court (Fast Track Court) at Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellants-claimants and the learned Standing Counsel for respondents-RTC and perused the record.

3. The learned counsel for appellants-claimants would contend that the deceased-K.Narsimulu was a mechanic. He was aged 24 years on the date of subject accident. The claimants are the mother and brothers of the deceased. The Tribunal had not taken correct earnings of the deceased and had not applied appropriate multiplier. Further, the Tribunal had granted meagre compensation and ultimately, prayed to enhance the same.

4. The learned counsel for respondents-RTC would contend that the Tribunal had taken all the facts and circumstances into consideration and was pleased to grant compensation of Rs.1,54,500/- with interest @ 9% per annum, which is just and reasonable. There are no circumstances to enhance the same 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-claimants are entitled for enhancement of compensation?

6. There is no dispute with regard to the death of the deceased-K.Narsimulu in a road accident that occurred on 18.01.2002 due to the rash and negligent driving of the driver of RTC bus bearing No.AP 10Z 551. The only dispute is with regard to the quantum of compensation.

7. As seen from the evidence available on record, the deceased was 23 years old and he was a mechanic. The Tribunal had taken the age of the mother of the deceased, applied the multiplier of '15' and assessed the compensation. The deceased was a bachelor. Hence, 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 group of the deceased is '18'.

8. As the deceased was a mechanic and the accident occurred in the year 2002, the monthly income of the deceased including future hike, etc., can be taken as Rs.2,500/-, which comes to Rs.30,000/- per annum. Since the deceased was a bachelor, half of the income is

¹ 2015(6) SCC 347

² AIR 2009 SC 3104

liable to be deducted towards his personal expenses. So, the annual contribution of the deceased to his family 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 1st claimant, who is the mother of the deceased is 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 1st claimant is entitled for a sum of Rs.3,00,000/- towards compensation with interest @ 7.5% per annum on the enhanced compensation.

9. Accordingly, the appeal is allowed modifying the order, dated 31.08.2004 passed by the Tribunal in O.P.No.1513 of 2002, enhancing the compensation from Rs.1,54,500/- 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 deposit of the enhanced compensation, the 1st claimant/mother is permitted to withdraw the same along with the interest accrued thereon. The other terms of the order under challenge remain unaltered.

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

Date: 19.09.2018
ssp

Dr. SHAMEEM AKTHER, J