

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1992 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 25.08.2004 in M.V.O.P.No.71 of 2000 on the file of the Motor Accident Claims Tribunal-cum-District Judge, Krishna, Machilipatnam (for short 'the Tribunal').

2. Heard the learned counsel for appellants-claimants, the learned counsel for respondent No.3-Insurance Company and perused the record. The claim against respondent No.1 was dismissed for default on 04.01.2012. There is no representation for respondent No.2.

3. Learned counsel for the appellants-claimants would contend that the Tribunal had granted meagre compensation of Rs.1,87,400/- for the death of the deceased-Chunduri Naga Venkata Satya Ranganadh. On account of the death of the deceased, the Tribunal had taken the contribution to his family as Rs.1,800/- per month though there is ample evidence that he would have earned not less than Rs.4,000/- per month. Hence, prayed to enhance the compensation.

4. On the other hand, learned counsel for respondent No.3-Insurance Company would contend that the Tribunal had rightly taken the annual contribution of the deceased to his family as Rs.14,400/-. There is no infirmity in the order under challenge and ultimately prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the only point to be determined is, whether the appellants-claimants are entitled for enhancement of compensation?

6. There is no dispute with regard to the death of the deceased in a motor accident occurred on 05.11.1999 due to the rash and negligent driving of the driver of lorry bearing No.AHP-7479. The only dispute is with regard to quantum of compensation.

7. As per the evidence of P.W.1-father of the deceased, the deceased was studying final year B.Com., on the date of accident, which occurred in the month of November, 1999. The Tribunal had taken the age of the mother of the deceased as 44 years and applied the multiplier as '11' for the age of 44 years and assessed the compensation of Rs.1,58,400/- towards loss of dependency. The Tribunal also granted Rs.15,000/- towards loss of estate and another Rs.10,000/- towards loss of love and affection, Rs.2,500/- towards funeral expenses and Rs.1,500/- towards transportation. In all, the Tribunal granted compensation of Rs.1,87,400/- to the appellants appears to be 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.

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

¹ 2015(6) SCC 347

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 studying final year B.com, his age would be between 20 to 25 years. As the accident occurred in the year 1999, the notional income of the deceased can be taken as Rs.3,000/- per month, which includes all future prospects. The annual income comes to Rs.36,000/-. 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.18,000/-.

10. As per the decision in *Sarla Verma v. Delhi Transport Corporation*², the appropriate multiplier to the age (25 years) of the deceased is ‘18’. After applying multiplier ‘18’, the compensation for loss of dependency comes to Rs.3,24,000/- (Rs.18,000/- x 18). The claimants, who are parents 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.3,54,000/- towards compensation with interest @ 7.5% per annum on the enhanced compensation.

11. Accordingly, the appeal is allowed in part modifying the order, dated 25.08.2004 passed by the Tribunal in M.V.O.P.No.71 of 2000, enhancing the compensation from

² AIR 2009 SC 3104

Rs.1,87,400/- to Rs.3,54,000/- 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 enhanced amount along with the interest accrued thereon, equally. The other directions given by the Tribunal remain unaltered.

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

Dr. SHAMEEM AKTHER, J

Date: 27.07.2018
ssp

