

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3080 OF 2005

JUDGMENT:

This appeal is filed by the appellants-claimants under Section 173 of the M.V. Act, aggrieved by the order, dated 18.03.2005, in O.P.No.222 of 2001, passed by the Motor Accident Claims Tribunal-cum-I Addl. District Judge, Nizamabad, for enhancement of compensation.

2. Heard both sides and perused the record.

3. Learned counsel for the appellants would contend that the Tribunal granted an amount of Rs.2,00,000/- towards loss of services, Rs.15,000/- towards loss of consortium to the 1st petitioner, Rs.10,000/- towards loss of estate and Rs.5,000/- towards expenses of transportation. In all, the Tribunal granted an amount of Rs.2,30,000/-. The Tribunal did not apply appropriate multiplier and granted meagre compensation and ultimately, prayed to enhance the compensation.

4. On the other hand, learned counsel for the respondent-insurer would contend that the Tribunal had taken all the factors into consideration and granted just and reasonable compensation. There are no circumstances to enhance the same and ultimately, prayed to dismiss the appeal.

5. The only question that had fallen for consideration is whether the appellants are entitled to enhancement of compensation?

6. There is evidence on record that the deceased- Allam Ammai, died in a road accident due to rash and

negligent driving of the jeep bearing No. AP 1 C 2900 by its driver on 08.10.2000. The Tribunal had granted compensation of Rs.2,30,000/- as contended on behalf of the appellants-claimants. It is apt to refer to decision reported in **SARLA VERMA (SMT) AND OTHERS V DELHI TRANSPORT CORPORATION AND ANOTHER**¹, and **NATIONAL INSURANCE COMPANY LIMITED V. PRANAY SETHI & OTHERS**² to determine the compensation. In view of the submissions and facts and circumstances of the case, it is appropriate to determine the compensation. As per Post-mortem report and other material on record, the deceased was 40 years old as on the date of death. She was a beedi roller. Her annual income can be taken as Rs.1800/-. If 1/3rd is deducted towards personal expenses, the contribution to family comes to Rs.1200/-. The appropriate multiplier applicable to the age group of 40 years is 15. Therefore, the appellants are entitled to compensation of Rs.2,16,000/- (Rs.1200 X 12 X 15) towards loss of dependency.

7. Further, in view of the decision in *Pranay Sethi's* case (2 supra), appellant No.1 is entitled Rs.40,000/- towards loss of consortium, and the appellants are entitled to an amount of Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of services. In all, the appellants are entitled to compensation of Rs.2,86,000/- (Rs.2,16,000/- + 40,000/- + 15,000/- + 15,000/-).

8. In the result, the compensation awarded by the Tribunal is enhanced from Rs.2,30,000/- to Rs.2,86,000/-. The appellants are entitled to interest at 7.5% p.a., on the enhanced compensation amount from the date of petition

¹ (2009) 6 SCC 121

² 2017 (6) ALD 170 (SC)

till the date of deposit. The appellants are entitled to share the enhanced compensation amount equally. On deposit, the appellants are permitted to withdraw the same.

9. Accordingly, the Appeal is partly allowed. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 27-06-2018

Hsd

