

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

MACMA.No.792 of 2012

ORDER :

This appeal is filed by the State Road Transport Corporation questioning the order and decree dated 05.03.2010 in MV.OP.No.71 of 2008 passed by the Motor Accident Claims Tribunal, Anantapur.

This Court has heard learned counsel for both the parties.

The short and simple question that arises for consideration in this case is the multiplier adopted by the Court below in awarding the compensation. There is no dispute about the rest of the facts or issues. The rest of the award is also not questioned.

The age of the deceased is treated as 38 years. According to the II Schedule to the Motor Vehicles Act, the appropriate multiplier to be adopted is '16' in view of the age of the deceased. However, both the learned counsel points out that in view of the decision of the Hon'ble Supreme Court of India in ***Sarla Verma v. Delhi Transport Corporation***¹ the appropriate multiplier to be adopted is '15' years and not '16' years.

Learned counsel for the appellant also points out that in para 8.7 of the impugned judgment, the Court adopted a multiplier of 15, but when it came to the actual calculation,

¹ (2009) 6 SCC 121

the Court multiplied the income with 16. This appears to be obvious error.

In any view of the matter, in view of the decision of the Hon'ble Supreme Court of India in **Sarla Verma** (1 supra), the appropriate multiplier to be adopted is '15' since the deceased was aged 38 years. Hence, the loss of dependency assessed in para 8.7 is recalculated as follows:

$$\text{Rs.}2,250 \times 12 \times 15 = \text{Rs.}4,05,000/-.$$

There is no dispute about the rest of the award. Hence, with this modification, the respondent is directed to pay the petitioner a sum of Rs.4,05,000/- as loss of dependency.

The appeal is partially allowed as above and the rest of the findings are confirmed. No order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

Date: 05.11.2018
KLP

D.V.S.S.SOMAYAJULU, J