

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A. No.2310 OF 2004

JUDGMENT:

Dissatisfied with the quantum of compensation of Rs.1,55,000/- awarded by the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge, Visakhapatnam ('the Tribunal' for brevity), vide order, dated 12.07.1999, passed in O.P.No.486 of 1996, as against the total claim of Rs.2,00,000/-, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for the appellant-petitioner, learned counsel for the respondent-Insurance Company and perused the record.

3. Learned counsel for the appellant-petitioner would contend that the Tribunal has not granted any amount towards funeral expenses and has granted only Rs.5,000/- towards loss of consortium. Though the Tribunal assessed the compensation payable at Rs.1,92,000/- towards loss of dependency, it restricted to Rs.1,50,000/-. The grant of total compensation of Rs.1,55,000/- for the death of the wife of the appellant is meagre and ultimately prayed to allow the appeal as prayed for.

4. On the other hand, learned counsel for the respondent-insurer would contend that the Tribunal had taken all the facts and circumstances into consideration and granted adequate and just compensation. There are no circumstances to interfere with the order under challenge and ultimately prayed to dismiss the appeal.

5. There is no dispute with regard to the death of the deceased- Uma Maheswari in a road accident caused by lorry bearing No.AP 31 T 4457 driven by its driver in rash and negligent manner on 24.03.1996. The only dispute is with regard to enhancement of compensation.

6. It is apt to refer to the recent decision of the Apex Court in **National Insurance Co. Ltd., Vs. Pranay Sethi and others¹**, wherein, it was held as follows:-

“Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.”

As seen from the order under challenge, the Tribunal had granted Rs.5,000/- towards loss of consortium. In view of the aforementioned decision of the Apex Court, the appellant is entitled for a sum of Rs.40,000/- towards loss of consortium. The Tribunal had not granted funeral expenses. Therefore, an amount of Rs.10,000/- is required to be granted on that score. There is no evidence to enhance the compensation on other heads.

7. Accordingly, the appeal is allowed modifying the order, dated 12.07.1999, passed by the Tribunal in O.P.No.486 of 1996 enhancing the compensation from Rs.1,55,000/- to Rs.2,00,000/- with interest at the rate of 7.5% on the enhanced compensation from the date of petition till the date of deposit. On deposit of the compensation, the appellant is permitted to withdraw the entire amount along with the accrued interest.

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

Dr. SHAMEEM AKTHER, J

Date: 13.06.2018
ssp

¹ 2017 (6) ALD 170 (SC)

