

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.5456 OF 2008

JUDGMENT:

Dissatisfied with the quantum of compensation of Rs.1,37,000/- 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.542 of 1996, as against the total claim of Rs.5,00,000/-, the claimants 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 appellants-petitioners, learned counsel for the respondent-Insurance Company and perused the record.

3. Learned counsel for the appellants-petitioners would contend that the Tribunal has not granted any amount towards funeral expenses and has granted only Rs.5,000/- towards loss of consortium. The grant of total compensation of Rs.1,37,000/- for the death of the wife of the 1st 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- Alla Sarojini 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.”

Taking into consideration the aforementioned decision of the Apex Court, this Court is inclined to grant Rs.40,000/- to the 1st appellant/1st petitioner (husband) towards loss of consortium and Rs.15,000/- towards funeral expenses. This Court is also inclined to grant compensation of Rs.13,000/- towards loss of love and affection to the 2nd appellant (daughter). There is no evidence to enhance the compensation on other heads.

7. Accordingly, the appeal is allowed in part modifying the order, dated 12.07.1999, passed by the Tribunal in O.P.No.542 of 1996, enhancing the compensation from Rs.1,37,000/- 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 appellants-petitioners are permitted to withdraw the entire amount along with the accrued interest. The apportionment of compensation shall be as under:

¹ 2017 (6) ALD 170 (SC)

1 st appellant (husband)	Rs.1,50,000/- (including loss of consortium of Rs.40,000/-)
2 nd appellant (daughter)	Rs.50,000/-
Total	Rs.2,00,000/-

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

Date: 13.06.2018
ssp

Dr. SHAMEEM AKTHER, J

