

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3515 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.1,80,000/- as against a claim of Rs.2,00,000/- by the Chairman, Motor Accident Claims Tribunal-cum-XI Additional District Judge (FTC), Guntur at Tenali ('the Tribunal' for brevity), vide order, dated 15.06.2005, passed in M.V.O.P.No.484 of 2000, 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 both sides and perused the record.

3. The learned counsel for the appellants-claimants would contend that the Tribunal did not grant adequate compensation towards loss of dependency. The Tribunal granted meagre compensation under other conventional heads and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent/Insurance Company would contend that the Tribunal had taken all the relevant factors into consideration and rightly granted a compensation of Rs.1,80,000/- to the appellants-claimants. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal by confirming the Order under Challenge.

5. It is not in dispute that the deceased-T.Prabhudas died in the subject accident occurred on 20.03.2000, due to rash and negligent driving of the driver of the mini lorry bearing registration No.AP-07-T-190. The only point that arises for determination in this appeal is whether the appellants-claimants are entitled for enhancement of compensation as claimed.

6. As per the material placed on record, the deceased-T.Prabhudas was 32 years old as on the date of subject accident and was working as a cleaner on the offending mini lorry bearing registration No.AP-07-T-190. The Tribunal, after analysing the entire evidence on record, granted a total compensation of Rs.1,80,000/- with interest @ 9% per annum from the date of petition till realisation in favour of the appellants-claimants, as detailed below.

Towards loss of dependency	Rs.1,50,000/ -
Towards loss of consortium	Rs.15,000/ -
Towards loss of estate	Rs.10,000/ -
Towards funeral expenses	Rs.5,000/ -
TOTAL	1,80,000/ -

7. The Tribunal granted lesser amounts under conventional heads. Accordingly, this Court deems it appropriate to grant another Rs.20,000/-, in addition to the amounts granted as compensation under the conventional heads mentioned *supra*. Thus, the appellants-claimants are entitled for a total compensation of Rs.2,00,000/- as claimed. The Tribunal granted interest @ 9% per annum from the date of petition till realisation on the amount granted as compensation. This Court deems it

appropriate to grant interest @ 7.5% per annum on the enhanced amount of compensation.

8. Accordingly, the appeal is allowed, modifying the order, dated 15.06.2005, passed in M.V.O.P.No.484 of 2000 by the Tribunal, enhancing the compensation from Rs.1,80,000/- to Rs.2,00,000/-, as claimed. The enhanced amount of compensation carries interest at the rate of 7.5% per annum from the date of petition till realisation. The 1st appellant-1st claimant (wife of the deceased) is entitled to receive the enhanced amount of compensation along with the interest accrued thereon and she is permitted to withdraw the same on deposit. Other terms of the Order under challenge remain unaltered.

Pending Miscellaneous Petitions, if any, shall stand closed.
There shall be no order as to costs.

06th September, 2018
Bvv

Dr. SHAMEEM AKTHER, J