THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2715 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellants-claimants aggrieved by the order dated 12.11.2001 in O.P.No.231 of 1998 on the file of the Motor Accident Claims Tribunal-cum-District Judge, Ongole (for short 'the Tribunal').

2. Heard the learned counsel for appellants-claimants, the learned counsel for respondent-Insurance Company and perused the record.

3. Learned counsel for the appellants-claimants would contend that the Tribunal had taken Rs.1,000/- per month towards earnings of the deceased, which is on lower side. In fact the deceased was working as a Lab Technician and he filed a salary certificate to show his earnings as Rs.3,000/- per month. The Tribunal had not taken into consideration of the same and granted meagre compensation of Rs.1,50,000/- and ultimately prayed to enhance the same.

4. Learned counsel for the respondent-Insurance Company would contend that the Tribunal had rightly taken the age, monthly income of the deceased and awarded compensation of Rs.1,50,000/-, which is just and reasonable. There are no grounds to enhance the compensation and prayed to dismiss the appeal.

5. There is no dispute with regard to the death of the deceased-Sabbineny Sudheer in a motor accident caused by a

lorry bearing No.AP 7T 5489 on 22.07.1997. The only dispute is with regard to enhancement of compensation. There is no dispute with regard to the age of the deceased i.e., 21 years. Though the appellants-claimants have got marked the salary certificate of the deceased as Ex.A4, nobody was examined to prove the same. Under Ex.A4, there is a mention that the deceased was a Lab Technician and earning Rs.3,000/- per month. P.W.1-mother of the deceased corroborated with Ex.A4-salary certificate. The Tribunal held that the deceased was contributing Rs.1,000/- per month to his parents i.e., appellants herein. As there is no proof of Ex.A4-salary certificate, the Tribunal justified in taking Rs.1,000/- towards contribution to the appellants-claimants by the deceased. The Tribunal applied multiplier '12' by taking the age of the mother of the deceased (41 years) and assessed compensation of Rs.1,44,000/- towards loss of dependency and Rs.6,000/- towards miscellaneous expenses. In all, the Tribunal granted compensation of Rs.1,50,000/-.

5. It is appropriate to refer the decision rendered in *Munnalal Jain and others v. Vipin Kumar Sharma and others*[1], wherein it is held as under:

> "When the deceased was a bachelor, relevant multiplier applicable to his age group has to be taken into consideration.
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> The selection of multiplier is based on the age of the deceased and not on the basis of the age of the dependant. There may be a number of dependents of the deceased whose age may be different and therefore the age of the dependents has no nexus with the computation of compensation."

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[1] 2015(6) SCC 347

In the said decision, when the deceased was a bachelor, the Apex Court has taken the age of the deceased to assess the loss of dependency. As per the decision in *Sarla Verma v. Delhi Transport Corporation*[2], the appropriate multiplier to the age (21 years) of the deceased is '18'. The annual contribution of the deceased to the claimants is Rs.12,000/-. After applying multiplier '18', the compensation for loss of dependency comes to Rs.2,16,000/- (Rs.12,000/- x 18). The claimants, who are parents of the deceased are also entitled for a sum of Rs.15,000/- towards loss of love and affection and another Rs.15,000/- towards funeral expenses. In all, the appellants-claimants are entitled for a sum of Rs.2,46,000/- towards compensation with interest @ 7.5% per annum on the enhanced compensation.

6. Accordingly, the appeal is allowed in part modifying the order, dated 12.11.2001 passed by the Tribunal in O.P.No.231 of 1998, enhancing the compensation from Rs.1,50,000/- to Rs.2,46,000/- with interest @ 7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. On such deposit, the claimants are permitted to withdraw the entire amount along with the interest accrued thereon equally.

The Miscellaneous Petitions, if any, pending shall stand closed.

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Dr. SHAMEEM AKTHER, J

Date: 24.07.2018
ssp

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[2] AIR 2009 SC 3104