THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1381 OF 2014

JUDGMENT:

This appeal is filed by the claimants challenging the award dated 28.02.2013 passed in M.V.O.P.No.283 of 2010, by the IX Additional District Judge-cum-Motor Accident Claims Tribunal (FTC), Chittoor (for short, the Tribunal).

2. The brief facts of the case are that on 18.08.2010, while one G.Saisavali (herein after referred to as the deceased) was travelling in the lorry bearing No.AP03X 3521 as a Cleaner, the driver of the said lorry drove the same in a rash and negligent manner and dashed against stationed lorry bearing No.KA07 8125, as a result of which, the deceased died on the spot. The claimants, who are the parents and sisters of the deceased, filed the above MVOP claiming compensation of Rs.5,00,000/- for the death of the deceased.

3. The second respondent filed a counter denying the averments in the claim petition and contended that the amount claimed by the appellants is highly excessive and that the appellants are not entitled for any amount from the respondents and prayed to dismiss the claim petition.

4. After considering the evidence produced by the parties, the Tribunal held that the accident occurred due to rash and negligent driving of the driver of the lorry and awarded an amount of Rs.2,72,000/- with interest at the rate of 7.5% per annum from the

date of petition till the date of realization. Dissatisfied with the quantum of compensation, the present appeal is filed by the claimants.

5. Heard Ms.Vanisree, learned counsel appearing on behalf of Sri Suresh Kumar Reddy Kalava, learned counsel for the appellants.

6. A perusal of the award reveals that the Tribunal has applied multiplier of 14 by taking into consideration the age of mother of the deceased instead of the age of deceased. If the age of the deceased is taken into consideration, as the deceased was 22 years at the time of accident, the appropriate multiplier is '18' as per the ratio laid down by the Hon'ble Supreme Court in **Smt.Sarla Varma v Delhi Transport Corporation[1].** The income of the deceased can be taken into consideration at Rs.36,000/- per year. After deducting 50% towards his personal expenses, as he was a bachelor, the annual income would be Rs.18,000/- per year. Hence, the compensation comes to Rs.3,24,000/- (Rs.18,000/- x 18). Regarding the other conventional heads, the Tribunal granted Rs.5,000/- towards funeral expenses, Rs.5,000/- towards loss of estate and Rs.10,000/- towards loss of love and affection. In the light of the judgment of the Apex Court in **National Insurance Co. Ltd. Vs. Pranay Sethi[2],** the appellants are entitled to Rs.30,000/-,

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[1] 2009(6) SCC 121
[2] 2017(6) ALD 170 (SC)

since the deceased died unmarried. Except the said modification, the award passed by the Tribunal remains unchanged.

7. Accordingly the appeal is partly allowed to the extent indicated above. Miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 28-11-2018.
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