

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 5149 OF 2008

JUDGMENT:

This appeal is directed against the Judgment dated 02.06.2006 passed by the Motor Accidents Claims Tribunal-cum-I-Additional District Judge, Karimnagar (for short 'the Tribunal), in O.P.No.982 of 2005 whereby the Tribunal awarded compensation of Rs.5,63,630/- on account of the permanent disability caused in a motor vehicle accident that occurred on 14.02.2005 against the claim of Rs.10,00,000/-.

2. For the sake of convenience, the parties herein are referred to as arrayed in the Court below.

3. Being dissatisfied with the quantum of Award passed by the Tribunal, the injured filed this appeal seeking enhancement of compensation.

4. The brief facts of the case are hereunder:

On 14.02.2005 the injured along with the other labourers went to Ambalpur Village with sand load in tractor/trailer bearing No.AP 15 U 9961/9962 and after unloading the same while they were returning to Nusthulapur Village, when they reached the outskirts of Ambalpur at about 03.00 pm, the 1st respondent-driver lost control over the steering, the tractor went into the road side paddy fields, the injured fallen down and received injuries to his both legs and neck and other parts of the body. The petitioner is

working as labourer, aged about 22 years and hale and healthy on the date of accident.

5. There is no dispute with regard to the manner of accident and involvement of the vehicle. The Tribunal, corroborating the evidence of PW.1 with the documentary evidence i.e. Ex.A.1- certified copy of FIR, Ex.A.2- C.C. of charge sheet and Ex.A.7 – Form No.54 held that the accident had occurred due to rash and negligent driving of the driver of the tractor. The tribunal also held that the tractor/trailer belonged to the 2nd respondent duly insured with the 3rd respondent as per Ex.B.1-policy, which was in force by the date of accident and it was driven by the 1st respondent, who was having valid driving license and hence, respondents 1 to 3 are jointly and severally liable to pay the compensation amount.

6. Considering the material available on record, in the absence of proof of income, notional income of Rs.3,000/- per month can be taken as per decision of the apex Court in **Ramachandrappa v Royal Sundaram Alliance Insurance Co. Ltd.**¹. Since the age of the claimant is 22 years, the relevant multiplier is '18', but not '17' as per the decision of the Apex Court in **Sarala Verma and others v Delhi Transport Corporation and another**². The tribunal rightly held that the injured sustained 100% disability. As per the decision of the Apex Court in **Jagdish v Mohan and others**³ 40% of future prospects have to be taken since the injured is self employed. The petitioner has become dependent on others and

¹ (2011) 13 SCC 236

² 2009 ACJ 1298

³ 2018 ACJ 1011

require attendant services and lost sensation to the limbs and virtually he was being carried to the public Court on hands, he is entitled for Rs.2,00,000/- as against Rs.10,000/- towards purchase of wheel chair and Rs.50,000/- towards attendant charges as per the decision of Apex Court in **Sanjay Verma v Haryana Roadways**⁴. In all other aspects, the award of the tribunal holds good.

7. The income of the deceased is Rs.3,000/- per month and the annual income is Rs.36,000/- (Rs.3000/- x 12). Applying the relevant multiplier '18, as the age of the injured taken as 22 years and as per the **SARALA VERMA's** case referred supra, 100% permanent disability can be quantified at Rs.6,48,000/-(36,000/- x 18). As per **Jagdish's** case referred supra the injured is entitled for Rs.2,59,200/- (Rs.6,48,000/- x 40/100) as future prospects. Thus, the injured is entitled for a total compensation as follows:

1. Permanent disability	Rs.6,48,000/-
2. Compensation for pain and suffering	Rs. 50,000/-
3. Loss of amenities of life	Rs. 50,000/-
4. Medical expenditure	Rs. 17,630/-
5. Transportation charges	Rs. 3,000/-
6. Extra-nourishment	Rs. 5,000/-
7. Attendant charges	Rs.2,00,000/-
8. 40% future prospects	Rs.2,59,200/-
9. Loss of income	Rs. 10,800/-
Total	Rs. 12,43,630/-

⁴ 2014 ACJ 692

Thus, the injured is entitled for Rs.12,43,630/- (Rupees twelve lakhs forty three thousand six hundred thirty only). The enhanced compensation amount shall carry interest 7.5% per annum from the date of petition till the date of realization. The respondents 1 to 3 are directed to deposit the compensation amount jointly and severally within three months from the date of this judgment. The injured claimant is entitled to withdraw the compensation amount soon after the deposit is made. The injured claimant has to pay deficit court fee on over and above Rs.10,00,000/- and if the deficit court fee not paid as per Rule 475 of the M.V. Rules before the Tribunal, the injured cannot be permitted to execute for the enhanced amount.

8. In view of the above, the appeal is allowed. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 05.08.2019
kvrn

T.AMARNATH GOUD,J