

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.110 of 2006

JUDGMENT:

This appeal is filed by the claimants under Section 173 of the Motor Vehicles Act aggrieved by the orders passed by the Principal District Judge, Medak at Sangareddy in O.P.No.524 of 2003 dated 21.09.2005.

2. The Tribunal after examining the witnesses and framing the issues, allowed in part the claim of the claimants by awarding the compensation of Rs.7,16,000/- with 7.5% rate of interest against the claim of Rs.16,00,000/-.

3. Aggrieved by the meager amount awarded by the Court below, the claimants preferred the present appeal with the contentions that the Court below ought to have awarded the amount claimed by the claimants and sought for enhancement of the amount by allowing the appeal.

4. Sri N.J. Sunil Kumar, learned Standing Counsel for the 2nd respondent-insurance company supported the order of the Court below and sought for dismissal of the appeal.

5. Heard both sides and perused the material on record.

6. So far as quantum of compensation is concerned, the age of the deceased is 42 years as per Ex.A9-service register and the multiplier '14' is applicable as per **Sarla Varma Vs. Delhi Transport Corporation**¹ and the deceased working as teacher drawn net salary at Rs.7,795/- per month as per Ex.A7-salary certificate and as per the evidence of PW.3, which was rightly

¹ 2009 (6) SCC 121

taken by the Tribunal. As per the expression in **National Insurance Company Limited Vs. Pranay Sethi**², the deceased being permanent employee and aged about 42 years, 30% future prospects can be taken into consideration, which comes to Rs.2,338.50 Ps rounded off to Rs.2,339/-, in all deceased monthly income comes to Rs.10,134/- (Rs.7,795/- + Rs.2,339/-). Out of Rs.10,134/-, if 1/3rd is deducted towards the personal expenses of the deceased, the net income comes to Rs.6,756/- (Rs.10,134/- (-) Rs.3,378/-). The loss of dependency comes to Rs.6,756/- x 12 x 14 = Rs.11,35,008/-. The 1st claimant widow of the deceased is entitled for Rs.70,000/- under conventional heads as per **Pranay Sethi** supra and claimant No.3 is minor daughter of the deceased and she is entitled for Rs.50,000/- under the head of loss of love and affection as per **Magma General Insurance Company Limited Vs. Nanu Ram Alias Chuhru Ram**³. The total compensation to which the claimants are entitled to is Rs.12,55,008/-.

7. Accordingly and in the result, this Appeal is allowed by enhancing the amount awarded by the Tribunal from Rs.7,16,000/- to Rs.12,55,008/- with interest at 7.5% per annum from the date of petition till the date of realization. No costs.

Miscellaneous petitions if any shall stand closed.

T.AMARNATH GOUD, J

Date: 18.11.2019
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² 2017 (6) SCC 170

³ 2018 Lawsuit (SC) 904