

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 768 OF 2006

JUDGMENT:

Heard Sri V.Atchuta Ram, counsel for the appellants, Sri S.Ravi, counsel for respondent No.1 and Sri Kota Subba Rao, counsel for respondent No.2/insurance company.

This appeal is directed by the claimants against the order and decree dated 24.12.2005 passed in O.P.No.760 of 2004 by the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast case-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Red Hills, Nampally, Hyderabad (for short 'the Tribunal'), whereby the tribunal granted compensation of Rs.9,50,148/- in a motor vehicle accident that occurred on 18.11.2003 at about 06.00 p.m while the deceased Papishetty Ramakrishna was riding his scooter bearing No. AIU 4731 from Secretariat towards Tank Bund when he reached between the Secretariat petrol pump and lumbini park bus stop a Toyota Carolla car bearing No. AP9AQ6982 came in a rash and negligent manner with high speed and dashed his vehicle, for which he sustained grievous injuries and he was shifted to Mediciti Private Hospital and from there to Kamineni Super Speciality Hospital, but after life saving emergency treatment, he succumbed to injuries on 20.11.2003, as against the claim of Rs.25,00,000/-.

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

3. Before the tribunal, the respondents filed their common counter denying the claim petition.

4. In order to prove the case of the claimants, before the tribunal, PWs.1 to 4 were examined and marked Exs.A1 to A.9 and Exs.B.1 to B.3, but no oral evidence is adduced on behalf of the respondents.

5. Basing on the material available on record, the tribunal granted compensation of Rs.9,50,148/- with interest at 6% per annum from the date of petition till the date of realization and directed the respondents to deposit the compensation amount within two months from the date of judgment jointly and severally.

6. Learned counsel for the claimants submitted that the compensation granted by the tribunal is very meager and that the tribunal erred in assessing the compensation and that the tribunal failed to grant future prospects and that the interest granted by the tribunal is meager and hence, prayed to grant just and proper compensation.

7. Learned counsel for the respondents submitted that the order passed by the tribunal is well considered in all aspects and needs no interference of this Court and prayed to dismiss the appeal.

8. There is no dispute with regard to the manner of accident and involvement of the vehicle. The deceased was permanent Central Government Employee and drawing Rs.6,655/- salary as

per Ex.A.6-salary certificate. As per Ex.A7-driving license, the age of the deceased is 29 years. As per the decision of the Apex Court in **Sarala Verma and others v Delhi Transport Corporation and another**¹, since the claimants are four in number, 1/4th of his personal expenses have to be deducted. As per the decision of **Sarala Verma's** case referred supra, when the age of the deceased is 29 years, the relevant multiplier applicable is '17'. The deceased was permanent employee, as per the decision of the apex Court in **National Insurance Company Limited v Pranay Sethi**² the claimants are entitled for 50% future prospects and when the age of the deceased is 29 years married and Rs.70,000/- under conventional heads can be granted which is just and proper. As per the decision of the Apex Court in **Magma General Insurance Co.Ltd. v Nanu Ram Alias Chuhru Ram**³, the father and mother of the deceased are entitled for Rs.40,000/- each and his minor daughter is entitled for Rs.50,000/- as filial. The annual income of the deceased comes to Rs.89,856/- (Rs.6,655/- - minus 1/4th (Rs.1,663/-) plus 50% (Rs.2496/-) x 12). Applying relevant multiplier '17, loss of dependency comes to Rs.15,27,552/- (Rs.89,856/- x 17). Thus, the claimants are entitled for total compensation of Rs. 17,27,552/- (Rs.15,27,552/- + Rs.50,000/- + Rs.70,000/- + Rs.80,000/-), which rounded to Rs.17,28,000/-. The enhanced compensation shall carry interest @ 7.5% per annum from the date of petition till the date of realization. Respondents 1 and 2 are directed to deposit the compensation

¹ 2009 ACJ 1298

² 2017(6) 170 (SC)

³ 2018 Law Suit (SC) 904

amount within three months from the date of this judgment. The claimants are entitled to withdraw the compensation amount soon after the deposit is made.

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

Miscellaneous petitions if any, shall stand closed.

Date: 23-10-2019
kvrn

T.AMARNATH GOUD,J

