

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A. No.1240 OF 2006**

**JUDGMENT:**

This appeal is filed by the appellants-claimants aggrieved by the Order and Decree dated 08.03.2006 passed in O.P.No.570 of 2002 by the Motor Accident Claims Tribunal-cum-I Additional District Judge at Mahabubnagar (for short, the Tribunal).

2. The brief facts of the case are that appellants are the parents of the deceased, V.Praveen Kumar. On 21.10.2001, while the deceased was coming from University road towards road No.6, Amberpet on his motor cycle HeroHonda bearing No.AP-9AF-7814 near Bank of Baroda, a car bearing No.APH-9799 came in high speed in a rash and negligent manner and dashed the deceased. In the said accident, the deceased underwent treatment in Osmania General Hospital from 21.10.2001 to 30.10.2001 and discharged on 30.10.2001, but he was succumbed to injuries on 01.11.2001. The claimants filed aforesaid OP claiming compensation of Rs.3,00,000/- against respondent Nos.1 and 2, owner and insurer of the car, for the death of the deceased.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the car and awarded total compensation of Rs.1,40,000/- with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization. Dissatisfied with the quantum of compensation, the appellants filed the present appeal, seeking enhancement of the same.

5. Sri A.Vishnu Vardhan Reddy, learned counsel for the appellants, submitted that though the appellants produced the evidence to show that the deceased was earning Rs.4,000/- per month by working as Junior Assistant in Naren College, Dilsukhnagar, Hyderabad, the Tribunal erroneously fixed the income of the deceased at Rs.15,000/- per annum and the same is very low. He further submitted that the appellants are also entitled to addition of 40% on the income of the deceased towards future prospects and also Rs.70,000/- towards conventional charges, as per the ratio laid down by the Hon'ble Supreme Court in **National Insurance Co. Ltd. Vs. Pranay Sethi**<sup>1</sup>. He further submitted that the appellants, being the father and mother of the deceased, are entitled to Rs.40,000/- each towards loss of filial consortium, as per the decision of the Hon'ble Supreme Court in **Magma General Insurance Co.Ltd. Vs.Nanu Ram Alias Chuhru Ram**<sup>2</sup>.

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<sup>1</sup> 2017(6) ALD 170 (SC)

<sup>2</sup> 2018 Law Suit (SC) 904

6. Smt. Shanthi Neelam, learned Standing Counsel for respondent No.2, submitted that the Tribunal passed a well reasoned order and sought to dismiss the appeal.

7. As the appellants filed Ex.A.11-salary certificate of the deceased to the effect that he was drawing a salary of Rs.4,000/- per month as a Junior Assistant, this Court is inclined to fix the income of the deceased at Rs.4,000/- per month. Apart from the same, the appellants are entitled to addition of 40% towards future prospects, as per **Pranay Sethi's** case (supra). Therefore, monthly income of the deceased comes to Rs.5,600/- (Rs.4,000/- + Rs.1,600/-), and after deduction of 50% towards personal expenditure, as the deceased was a bachelor, the annual income comes to Rs.33,600/- (Rs.2,800/- X 12). As the deceased was aged 22 years, the appropriate multiplier is '18'. Hence, the compensation under the head 'loss of dependency' comes to Rs.6,04,800/- (Rs.33,600/- X 18). Apart from the same, the appellants are entitled to Rs.30,000/- towards conventional heads, as per **Pranay Sethi's** case (supra). As the appellants are parents of the deceased, they are entitled to Rs.80,000/- (Rs.40,000/- each) towards filial consortium, as per **Nanu Ram Alias Chuhru Ram's** case (supra). Therefore, the total compensation comes to Rs.7,14,800/- (Rs.6,04,800/- + Rs.30,000/- + Rs.80,000/-).

8. In the result, the Motor Accident Civil Miscellaneous Appeal is allowed, enhancing the compensation amount awarded by the Tribunal from Rs.1,40,000/- to Rs.7,14,800/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization. As the claimants claimed only Rs.3,00,000/-, they are directed to deposit deficit Court fee before the Tribunal. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 31.10.2019  
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**T.AMARNATH GOUD, J**

