

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

MACMA.No.431 OF 2019

DATED:24-04-2019

Between :

United India Insurance Co.Ltd.,
Rep.by its Senior Divisional Manager, TP
Cell, D.No.4PB144, 2nd Floor, Posnett Bhavan,
Church Building, Tilak Road, Hyderabad-500 001.

.. Appellant

And

Ahemd Bee @ Ahmeda Begum
W/o.Shaik Babu @ S.K.Babu @ Babumiya
Aged about 66 years, occ: House wife and others.

.. Respondents



This court made the following :

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JUDGMENT:

On the fateful day i.e. on 18-05-2014 Sayed Akram along with another person Syed Feroz were proceeding from Sulthanpur Village to Sanga Reddy on their Scooter and when they reached near Thaddanpally Chourastha, at about 2 PM one Tata Ace auto bearing No.AP 25 W 3785 coming from opposite direction dashed against their two wheeler. Both suffered bleeding injuries and succumbed on the spot. Claiming that the accident occurred due to rash and negligent driving of driver of Tata Ace vehicle and on account of sudden death of bread winner of family, family is deprived of only source of earnings, mother and five children of deceased instituted MVOP.No.1929 of 2014 in the Motor Accident Claims Tribunal-cum-the Court of Chief Judge, City civil Court, Hyderabad (for short "the Tribunal). Learned Tribunal awarded total compensation payable as Rs.9,17,500/- under various heads. The appellant challenges decision of the Tribunal.

02. Heard learned Standing Counsel for the appellant and learned counsel for the respondents.

03. The occurrence of the accident, death of deceased and family members status of the respondents before the Tribunal are not disputed. Only dispute raised by learned Standing Counsel is on the amount of contribution to the family arrived at by the Tribunal and thereon determining the amount of compensation payable. Tribunal apportioned only 1/4th of the monthly earnings towards personal expenses of deceased treating the rest of the amount

earned by him towards contribution to the family arrived at above amount. According to learned Standing Counsel, Tribunal could not have reduced personal expenses beyond 1/3rd.

04. It is not in dispute that mother is a widow and wife predeceased and all the children are minors. Thus all of them were wholly depending on earnings of deceased and on account of sudden demise of deceased at the age of 48 years, the entire family structure was put to disarray. More so, all the children are very young and they require lot of care and support from their aged grand mother.

05. Having regard to the fact that deceased was having five children and widowed mother, the decision of the Tribunal in restricting personal expenses to 1/4th and treating rest of the amount as contribution to the family cannot be faulted. That being so, the amount of compensation determined by the Tribunal cannot be said as erroneous warranting interference of this Court.

06. At this stage, learned Standing Counsel points out that against conventional heads, order of Tribunal is contrary to judgment of Supreme Court in **National Insurance Company Limited vs. Pranay Sethi**¹. Tribunal awarded Rs.10,000/- towards funeral expenses and Rs.15,000/- towards loss of love and affection, Rs.15,000/- towards transportation charges.

07. Having regard to the fact that the claimants are minors and mother of deceased was widow, this Court is not inclined to modify the award passed on the small amount of Rs.15,000/- awarded as

¹ [(2017) 16 SCC 680]

Transport charges at this stage, though the contention of learned Standing Counsel with reference to Transportation charges is valid. Thus, I do not see any ground warranting interference by this Court in the award passed by Tribunal and the same is confirmed.

08. Accordingly, the appeal is disposed of. Pending miscellaneous applications shall stand closed.

24-04-2019
Nvl

P.NAVEEN RAO,J

