

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2732 OF 2005

JUDGMENT:

This appeal is filed by the appellants/claimants aggrieved by the Order and Decree dated 11.07.2003 passed in M.V.O.P.No.475 of 2000 by the Principal Motor Accidents Claims Tribunal (Principal District Court), at Warangal (for short, Tribunal).

2. Since the appellants 1 & 2/claimants died during the pendency of the appeal, appellant No.3-P.Yaka Laxmi, who is the wife of the brother of the deceased and being a widow, is brought on record as legal representative of appellants 1 & 2/claimants *vide* order, dated 27.09.2019, passed by this Court in I.A.No.3 of 2019.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

4. The brief facts of the case are that the claimants are the father and mother of the deceased-Narayana. On 24.03.2000, the petitioners and the deceased went to Inavolu Village and they came to Inavolu bus stand after talking to the relatives. While the deceased boarded the bus bearing No.PA 9Z 9882, the petitioners stayed at the bus stand. Due to the rash and negligent driving of the driver of the bus, at Bollikunta bus

stand, the deceased fell down while getting down the bus. He received injuries and died while undergoing treatment. The deceased was aged about 32 years and has got agriculture and earning Rs.3,000/- per month. Hence, the petitioners filed the claim petition claiming compensation of Rs.4,00,000/-, payable by the respondent/APSRTC.

5. Before the Tribunal, the respondent filed counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

6. After considering the oral evidence of P.Ws.1 & 2 and documentary evidence of Exs.A-1 to A-4, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of crime bus and granted total compensation of Rs.81,000/-, i.e., Rs.66,000/- towards loss of dependency and Rs.15,000/- towards pecuniary damages, with interest @ 9% per annum from the date of petition till realization. Dissatisfied with the quantum of compensation, the appellants/claimants filed the present appeal seeking enhancement of the same.

7. Heard Sri K.Vasudeva Reddy, learned counsel for the appellants and Sri B.Mayur Reddy, learned standing counsel for the respondent/APSRTC. Perused the material record.

8. According to the claimants, the deceased was aged about 32 years and he is an unmarried person and he has got agriculture and earning Rs.3,000/- per month. But the Tribunal has taken the notional income of the deceased @ Rs.1,000/- per month, which is very meager. Therefore, this Court is of the opinion that it would be just and proper if an amount of Rs.3,000/- is fixed as monthly income of the deceased. After deduction of 50% towards personal expenses of the deceased since the deceased is an unmarried person, the monthly income of the deceased comes to Rs.1,500/- (Rs.3,000/- x 50%) per month. Hence, the annual income comes to Rs.18,000/- (Rs.1,500/- x 12 months). As the age of the deceased is 32 years at the time of the accident, the multiplier for the age of the deceased is '16' as per the decision reported in **Sarla Verma's case** (supra). Hence, the compensation under the head of 'loss of dependency' comes to Rs.2,88,000/- (Rs.18,000/- x 16). Since the Tribunal has awarded an amount of Rs.15,000/- towards pecuniary damages, which is very meager, this Court is inclined to award an amount of Rs.30,000/- under the head of conventional charges as per the decision of the Hon'ble Supreme Court reported in **National Insurance Co. Ltd. Vs. Pranay Sethi**¹. Therefore, the total compensation comes to Rs.3,18,000/- (Rs.2,88,000/- + Rs.30,000/-).

¹ 2017(6) ALD 170 (SC)

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.81,000/- to Rs.3,18,000/-, payable by the respondent/APSRTC to the 3rd appellant, since appellants 1 & 2/claimants died during the pendency of the appeal. The enhanced amount shall carry interest @ 7.5% per annum from the date of petition till realization. The respondent/APSRTC is directed to deposit the enhanced amount along with proportionate costs and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the 3rd appellant is permitted to withdraw the entire amount. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 11th November, 2019

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