THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 3040 OF 2016

JUDGMENT:

This appeal is directed against the order dated 13.07.2016 passed by the Motor Accidents Claims Tribunal-cum-Principal District Judge, Mahabubnagar (for short 'the Tribunal), in M.V.O.P.No.239 of 2014, whereby the Tribunal awarded compensation of Rs.5,30,000/- on account of the death of the deceased - Sai Kiran, aged 12 years, in a motor vehicle accident that occurred on 03.02.2014 as against the claim of Rs.6,00,000/-.

2. For the sake of convenience, the parties are hereinafter referred to as arrayed in the Tribunal.

3. Aggrieved by the quantum of compensation passed by the Tribunal, the insurer of the car bearing No. AP 09 AZ 0990 involved in the accident preferred this appeal on the ground that the Tribunal erred in assessing loss of dependency, income of the deceased, who is a minor boy and non earning member, notionally at Rs.30,000/- per annum and taking multiplier '16' considering the age of the mother of the deceased and that the Tribunal has not deducted any amount towards personal expenses of the deceased, who died unmarried.

4. The claimants are the father and the mother of the deceased, who are also injured in the same accident. The Tribunal awarded compensation of Rs.5,30,000/- by taking notional income of the deceased as Rs.30,000/- per annum as per the decision of the

Apex Court in **Kishan Gopal and another v Lala and others**[1], applied multiplier '16' by taking the age of the mother of the deceased as 32 years besides granting Rs.50,000/- under conventional head i.e. loss of love and affection, funeral expenses and last rites.

5. There is no dispute with regard to the manner of accident and involvement of the vehicle. There is no appeal or cross objections by the claimants. As per the decision of the Apex Court in **Munna Lal Jain v Vipin Kumar Sharma**[2], though the deceased is a bachelor, multiplier applicable to the age group of the deceased alone has to be taken into consideration for computing compensation. As per the decision of the Apex Court in **SARALA VERMA AND OTHERS v DELHI TRANSPORT CORPORATION AND ANOTHER**[3] the multiplier applicable for the age group of the deceased, who is 12 years at the time of accident is '15'. Notional income of the deceased taken by the Tribunal at Rs.30,000/- per annum as per the decision of the Apex Court in **Kishan Gopal's** case referred supra holds good. But as per decision of the Apex Court in **Rajesh v Rajbir Singh**[4] as the deceased is unmarried, 50% of the income has to be deducted towards his personal expenses. Thus, the annual income of the deceased comes to Rs.15,000/- (Rs.30,000/- x 50/100). When the notional income of the Rs.15,000/- is capitalized with relevant multiplier '15', loss of dependency comes to Rs.2,25,000/- (Rs.15,000/- x15). The

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[1] 2013 ACJ 2594
[2] 2015(6) SCC 347
[3] 2009 ACJ 1298
[4] 2013(9) SCC 54

claimants also entitled for Rs.50,000/- towards conventional head as granted by the Tribunal.

6. Thus, the total compensation payable to the claimants is Rs.2,75,000/-(Rs.2,25,000/- plus Rs.50,000/-). The 2nd respondent is directed to deposit the compensation amount of Rs.2,75,000/- (Rupees two lakhs seventy five thousand only) excluding the amount already deposited, within (8) eight weeks from the date of receipt of copy of this judgment. The claimants are entitled to withdraw the compensation amount soon after the deposit is made as per their proportionate share. In all other aspects the order passed by the Tribunal holds good.

7. In view of the above, the appeal is allowed setting aside the order dated 13.07.2016 in M.V.O.P.No.239 of 2014 passed by the Motor Accidents Claims Tribunal-cum-Principal District Judge, Mahabubnagar. There shall be no order as to costs.

T.AMARNATH GOUD,J

Date: 24.07.2019
Note: issue c.c. in two days
b/o
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