

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2537 of 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 06-06-2006 passed in M.V.O.P.No.56 of 2004 by the M.A.C.T. –cum- I Additional Chief Judge , City Civil Court, Secunderabad (for short, the Tribunal).

2. Brief facts of the case are that the claimants who are the legal heirs of the deceased-Vasantha filed the claim petition against the respondents claiming compensation of Rs.5.50 lakhs for the death of the deceased in the motor accident when she is proceeding on her husband vehicle near Lingareddypet bus Stop.

3. In the claim petition, the 2nd respondent-insurer filed its 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 on the part of the driver of the crime vehicle only and accordingly granted compensation of Rs.4,61,000/- under various heads, payable by the respondents jointly and severally with interest at 7.5% per annum through out.

5. Dissatisfied with the quantum of compensation, the appellants/claimants filed the present appeal, seeking for enhancement of the compensation.

6. Heard and perused the material available on record.

7. As seen from the order of the Tribunal, the quantum of compensation granted by the Tribunal is just and proper and the same does not warrant any interference by this Court. Therefore, the claim of the claimants to enhance the compensation is liable to be dismissed.

8. However, the only contention raised by the learned Standing Counsel for the 2nd respondent-insurer that the Tribunal erred in applying the correct multiplier since for the age of 28 years, the correct multiplier is '17' instead of '18' as per the decision of the Supreme Court in **Sarla Verma and others v. Delhi Transport Corporation and Another**¹.

9. In view of the same, the difference of amount, after applying the correct multiplier, i.e. Rs.24,000/- is being reduced from out of the total compensation granted by the Tribunal. Hence, the claimant is entitled to an amount of Rs.4,37,000/- (Rs.4,61,000/- (-) Rs.24,000/-).

10. Except the above modification, the compensation awarded by the Tribunal under other heads shall remain unchanged.

¹ (2009) 6 SCC 121

11. In the result, the appeal is disposed of by reducing the compensation awarded by the Tribunal from Rs.4,61,000/- to Rs.4,37,000/- (Rupees Four Lakhs Thirty Seven Thousand only). No costs.

12. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 06.12.2019
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