

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1599 OF 2009

JUDGMENT:

This appeal is filed by the appellants/respondents 2 & 3/insurance companies aggrieved by the Order and Decree dated 21.12.2006 passed in M.V.O.P.No.1234 of 2004 by the Chairman, Motor Accidents Claims Tribunal-cum-VI Additional District Judge, Warangal at Mahabubabad (for short, Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in the M.V.O.P.s before the Tribunal.

3. The brief facts of the case are that the petitioner-Boddu Yellamma is aged about 45 years and earns Rs.3,000/- per month on her agriculture and she is the resident of Chinna Korpole Village of Nekkonda Mandal of Warangal District. On 07.03.2004, the petitioner along with her family members went to Pedda Korpole Village to attend to a marriage of their relative and after completion of the marriage, on the morning of 09.03.2004 with a view to return back to their house, the petitioner along with her relatives boarded the crime auto bearing No.AP 36 8493 at Pedda Korpole Village and the crime auto was proceeding towards Nekkonda and in the meanwhile at about 10.30 A.M. after passing some distance, the driver of the crime auto drove the same in a rash and negligent manner with high speed and dashed against a cyclist, as a result the crime auto turned turtle, as a result the accident was occurred, in which the petitioner and other

occupants of the crime auto sustained grievous injuries. Hence, the petitioner filed the present claim petition originally claiming a compensation of Rs.1,00,000/- on account of the injuries sustained by her and later enhanced the compensation from Rs.1,00,000/- to Rs.2,00,000/- *vide* I.A.No.2006, dated 10.03.2006. The 1st respondent is the owner of the crime auto, the 2nd respondent is the insurer of the crime auto and the 3rd respondent is the local office of the 2nd respondent/insurance company.

4. Before the Court below, respondents 1 & 2 remained *ex parte*. The 3rd respondent/insurance company filed a counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. After considering the evidence produced by the parties, the Tribunal granted total compensation of Rs.1,84,000/-, with interest @ 7.5% per annum from the date of petition till realization. Aggrieved by the said order, the appellants/insurance companies filed the present appeal.

6. Heard.

7. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.2,00,000/-, the Tribunal awarded an amount of Rs.1,84,000/- with interest @ 7.5% per annum. However, the Tribunal has applied the multiplier of 15 according to the age of the claimant, but as per the decision reported in

Sarla Verma and others v. Delhi Transport Corporation and Another¹, the multiplier for the age of the deceased is '14'. Hence, this Court is inclined to take the multiplier as '14' as per **Sarla Verma's case** (1 supra) and the permanent disability fixed by the Tribunal at 25% remains the same. Therefore, the amount under the head of loss of disability comes to Rs.1,26,000/- (Rs.3,000/- x 12 months x 14 x 25%). Except the said enhancement, rest of the award remains unchanged. Therefore, the total amount of compensation under various heads is as under:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Fracture of both bones	Rs.20,000/-	Rs.20,000/-
02.	Two simple injuries	Rs.4,000/-	Rs.4,000/-
03.	Medical Expenses & Extra Nourishment	Rs.10,000/-	Rs.10,000/-
04.	Pain & Suffering	Rs.5,000/-	Rs.5,000/-
05.	Transport	Rs.1,000/-	Rs.1,000/-
06.	Loss of Earnings	Rs.9,000/-	Rs.9,000/-
07.	Loss of Disability	Rs.1,35,000/-	Rs.1,26,000/-
TOTAL		Rs.1,84,000/-	Rs.1,75,000/-

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by reducing the compensation amount awarded by the Tribunal from Rs.1,84,000/- to Rs.1,75,000/-. The said amount shall carry interest @ 7.5% per annum. No costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

T.AMARNATH GOUD, J

Date: 16th July, 2019
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¹ (2009) 6 SCC 121