THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3095 of 2014

JUDGMENT:

The State Health Transport Department, rep. by its Transport Officer, filed this appeal challenging the Award dated 01.10.2010 passed in O.P.No.60 of 2009 by the Chairman, Motor Vehicle Accident Claims Tribunal-cum-III Additional District Judge, Karimnagar, whereby and whereunder the Tribunal awarded compensation of Rs.4,25,000/- as against the claim of Rs.3,00,000/- on account of death of the minor daughter of the respondents-claimants in the motor vehicle accident occurred on 05.07.2008.

2. Heard. Perused the record.

3. In this case, there is no dispute with regard to manner of accident, death of the deceased due to the injuries sustained in the said accident. The appellant filed this appeal only aggrieved by the quantum of compensation awarded by the Tribunal.

4. Though various grounds are raised in the grounds of appeal, during the course of arguments, learned Government Pleader for Arbitration appearing for the appellant mainly attacks the impugned award on the ground that the deceased being a minor girl, the Tribunal ought to have deducted 50% from the income of the deceased towards personal expenses while calculating the loss of dependency. Learned Government Pleader also contends that the amounts awarded by the Tribunal towards future prospects and non-pecuniary damages, are on higher side.

5. Per contra, learned counsel for the respondents-claimants submits that having considered the fact that the deceased died at the tender age of 16, the Tribunal awarded compensation by passing a well considered order and the same requires no interference of this Court.

6. As seen from the impugned award, by placing reliance on ***National Insurance Company vs. Farjan and others***[1] and in the absence of proof of income of the deceased, the Tribunal considered the notional income of the deceased at Rs.15,000/- and after applying the multiplier '18', as the deceased was belonging to the age group of 15-20 years, the Tribunal arrived the loss of dependency at Rs.2,70,000/-. But, as per the ratio laid down by the Hon'ble Supreme Court in ***Sarla Verma vs. Delhi Transport Corporation***[2], half of the income has to be deducted towards personal expenses in respect of unmarried/bachelor. In the case on hand also the deceased was unmarried and aged 16 years. Therefore, as pointed out by the learned Government Pleader, 50% of the income of the deceased has to be deducted towards personal expenses. That being so, the loss of dependency comes to Rs.1,35,000/- [(Rs.15000/2) X 18].

7. Apart from awarding compensation towards loss of dependency, the Tribunal also awarded a sum of Rs.75,000/- towards future prospects, Rs.75,000/- towards non-pecuniary damages and another sum of Rs.5,000/- towards transportation charges. Having regard to the age of deceased and the facts and

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[1] 2009 ACJ 276 (3)
[2] 2009 (6) SCC 121

circumstances of the case, this Court is of the considered view that the amounts awarded by the Tribunal towards loss of future prospects and non-pecuniary damages, including the rate of interest awarded, cannot be said to be on higher side and the same require no interference of this Court.

Accordingly, the appeal is allowed in part reducing the compensation awarded by the Tribunal of Rs.4,25,000/- to Rs.2,90,000/-. The appellant shall deposit the remaining compensation, along with proportionate interest and costs, to the credit of the O.P. before the Tribunal, within a period of four weeks from the date of receipt of copy of this order. On such deposit, the respondents-claimants are permitted to withdraw the amount, as per the apportionment ordered by the Tribunal.

Miscellaneous petitions pending in this appeal, if any, shall stand closed. No order as to costs.

T. AMARNATH GOUD, J

16.08.2019

Note : Issue C.C. in a week.
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