

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.128 OF 2014

JUDGMENT:

This appeal is filed by the appellants-claimants aggrieved by the Order and Decree dated 23.10.2013 passed in M.V.O.P.No.797 of 2012 by the Motor Accidents Claims Tribunal-cum-X Additional Chief Judge, City Civil Court at Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that appellant No.1 is the wife, appellant No.2 is the daughter, appellant Nos.3 to 6 are the sons and appellant No.7 is the mother, respectively, of the deceased, Mohd. Jahangir. On 15.11.2011 at about 7.15 pm., while the deceased was crossing the road by walk in the outskirts of Farooqnagar in front of Masood Hotel, the driver of RTC bearing No.AP29Z 793, drove the bus in a rash and negligent manner with high speed, lost control over the bus and dashed the deceased. As a result of which, the deceased sustained grievous injuries on his head, chest, hands, legs and all over the body. Immediately, he was shifted to C.H.C., Shadnagar and subsequently he was shifted to Osmania General Hospital, Hyderabad for better treatment, but on the way to hospital, he succumbed to injuries. The claimants filed aforesaid MVOP claiming compensation of Rs.20,00,000/- against the RTC for the death of the deceased.

3. Before the Court below, the respondents-RTC 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 evidence produced by the parties, the Court below granted total compensation of Rs.8,04,800/-, with interest @ 7.5% per annum, i.e., Rs.6,04,800/- towards loss of income, Rs.50,000/- towards loss of consortium, Rs.1,00,000/- towards loss of love and affection, Rs.25,000/- towards funeral expenses and Rs.25,000/- towards transport and medical expenditure. Dissatisfied with the quantum of compensation, the appellants filed the present appeal, seeking enhancement of the same.

5. Sri S.C.Mohan Prakash, learned counsel for the appellants, submitted that though the appellants produced the evidence to show that the deceased was earning Rs.20,000/- per month by doing scrap and real estate businesses, the Tribunal erroneously fixed the income of the deceased at Rs.4,500/- per month and the same is very low. He further submitted that the Government of India, Ministry of Labour and Employment, in its Gazette dated 31.05.2010, specified that eight thousand rupees is the amount as monthly wages. Therefore, the income of the deceased should be taken as Rs.8,000/- per month. He further submitted that the appellants are also entitled to addition of 25% on the income of the deceased towards future prospects as per the ratio laid down by the

Hon'ble Supreme Court in **National Insurance Co. Ltd. Vs. Pranay Sethi**¹.

6. Sri N.Vasudeva Reddy, learned Standing Counsel for the respondents-RTC, submitted that the Tribunal passed a well reasoned order and sought to dismiss the appeal. However, he consented for fixing the income of the deceased at Rs.8,000/- per annum, basing on the Gazette notification dated 31.05.2010.

7. In view of the above, this Court is inclined to take the income of the deceased at Rs.8,000/- per annum. Apart from the same, the appellants are entitled to addition of 25% towards future prospects, as per the decision of the Hon'ble Supreme Court in **Pranay Sethi** (supra). Therefore, monthly income of the deceased comes to Rs.10,000/-, and after deduction of 1/5th, the annual income comes to Rs.96,000/- (Rs.8,000/- X 12 months). The multiplier for the age of the deceased is '14'. Hence, the compensation under the head 'loss of income' comes to Rs.13,44,000/- (Rs.96,000/- X 14). Apart from the same, the appellants are entitled to Rs.70,000/- towards conventional heads, as per the decision of the Hon'ble Supreme Court in **Pranay Sethi** (supra). The amount of Rs.25,000/- granted by the Tribunal towards transport and medical expenditure remains unchanged. Therefore, the total compensation comes to Rs.14,39,000/- (Rs.13,44,000 + Rs.70,000/- + 25,000/-).

¹ 2017(6) ALD 170 (SC)

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.8,04,800/- to Rs.14,39,000/- with interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 18.04.2019
TJMR

