THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No. 181 OF 2007

JUDGMENT:

This appeal is preferred by the appellants/RTC questioning the order of the Motor Vehicle Accidents Claims Tribunal-cum-Judge, Family Court, Secunderabad (for short, the Tribunal) in M.V.O.P.No.19 of 2003 dated 30.09.2005.

2. The brief facts of the case are that respondent No.1 is the mother and respondent No.2 is the daughter of the deceased, Y.Sujan Kumar. On 21.09.2002, while the deceased and his three friends were going from Secunderabad to Srisailam in Santro car bearing No.AP9A 5471, and when they reached Vatwarlapally Village, Mannanur Mandal, Mahabubnagar District, RTC bus bearing No.AP10Z 7092 came in a rash and negligent manner and dashed the car from opposite direction. In the said accident, the deceased died on the spot. Respondent Nos.1 and 2 herein filed the said OP against the appellant-RTC seeking compensation of Rs.15,33,000/- for the death of the deceased.

3. In the claim petition, the appellant-RTC filed counter denying the allegations and contended that the amount claimed by the claimants is highly excessive and that it is not liable to pay any compensation 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 of the driver of the RTC bus and awarded total compensation of Rs.9,00,000/- under

various heads, with interest at the rate of 7% per annum. Aggrieved by the said order, the appellants/RTC filed the present appeal.

5. Heard.

6. The Tribunal, while computing the compensation, took the income of the deceased at Rs.75,000/- per annum basing on Ex.A.13-income tax returns, which is just and proper. However, with regard to adopting multiplier, the age of the deceased was 28 years and the appropriate multiplier for calculation of compensation is '17' as per **Smt.Sarla Varma Vs. Delhi Transport Corporation**[1]**,** but the Tribunal wrongly adopted the multiplier '18'. Therefore, the loss of dependency due to the death of deceased comes to Rs.50,000/- x 17 = Rs.8,50,000/-. Except the same, the order of the Tribunal shall remain unchanged.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, reducing the compensation amount awarded by the Tribunal from Rs.9,00,000/- to Rs.8,50,000/-. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 11.12.2019
TJMR

[1] 2009(6) SCC 121