THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1582 OF 2011

JUDGMENT:

This appeal is preferred by the appellant-RTC against the order, dated 24.05.2009 passed in O.P.No.557 of 2009 by the Motor Accidents Claims Tribunal-cum-Judge, Family Court-cum-Additional District Judge, Karimnagar (for short 'the Tribunal) granting compensation of Rs.5,29,000/-.

2. For the sake of convenience, the parties herein after will be referred to as they were arrayed before the Tribunal.

3. Learned counsel for the appellant contended that the tribunal erred in holding that the accident occurred due to rash and negligent driving of the driver of bus bearing No.AP 11 Z 3168 and not deducted personal expenses of the deceased and the compensation granted by the tribunal is on higher side and therefore, prayed to allow the appeal by setting the order of the Tribunal.

4. The M.V. Act is a beneficial legislation as held by the Apex Court in several judgments. The order passed by the tribunal is well considered in all aspects except that the personal expenses of the deceased have not been deducted. Since there are four claimants 1/4th has to be deducted towards personal expenses from the earnings of the deceased as per the decision of the Apex Court in **SARALA VERMA AND OTHERS v DELHI TRANSPORT**

CORPORATION AND ANOTHER[1]. Granting compensation payable in the case of death of a 'Housewife', treating her notional income is not on the higher side as held in **Arun Kumar Agarwal and another v National Insurance Company and others[2]** the contribution made by the wife to the house is invaluable and cannot be computed in terms of money and fixed the income of the deceases as Rs.3,000/- per month. Since the dependents are four in number, ¼th has to be deducted from the monthly income towards personal expenses, which was not deducted by the tribunal. Therefore, the monthly income of the deceased is Rs.2,250/- after deducting 1/4th towards personal expenses and the annual income is Rs.27,000/-. When the age of the deceased is 42 years, the relevant multiplier applicable is '14'. Thus, the loss of dependency comes to Rs.3,78,000/- (Rs.27,000/- x 14). The claimants are entitled for the following compensation:

1. Loss of dependency	Rs.3,78,000/-
2. Loss of consortium	Rs. 10,000/-
3. Loss of estate	Rs. 10,000/-
4. Funeral expenses	Rs. 5,000/-
Total	Rs. 4,03,000/-

The claimants are entitled for total compensation of Rs.4,03,000/- with interest @ 8% per annum from the date of petition till the date of realisation. Respondents 1 and 2 are jointly and severally liable to pay the compensation amount and they are directed to deposit the compensation amount with interest and

[1] 2009 ACJ 1298
[2] 2010 (3) T.A.C. 769 (SC)

costs within three months from the date of this judgment. On such deposit the claimants are entitled to withdraw the same as per the proportionate share as stated by the tribunal. In all other aspects, the order passed by the Tribunal is well considered.

5. In view of the above, the appeal filed by the appellant – RTC is partly allowed. There shall be no order as to costs.

Miscellaneous petitions, if any pending in this appeal shall stand closed.

T.AMARNATH GOUD,J

DATE 14.08.2019
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