

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO.86 OF 2017

JUDGMENT:

This appeal is directed by the claimants against the judgment and decree dated 06.06.2016 passed by the Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Ranga Reddy District in O.P.No.382 of 2011, whereby the tribunal granted compensation of Rs.8,81,000/- with proportionate costs and interest @ 9% per annum on account of the accident occurred on 09.04.2011, as against the claim of Rs.15,00,000/-.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. The brief facts of the case are that on 09.04.2011 at about 07.00 PM while the deceased A. Ramulu was proceeding from his residence towards L.B.Nagar on bicycle, when he reached Road No.3, Gautam Nagar, Yamaha motorcycle bearing No.AP 29 BK 0252 coming from Saroornagar at high speed in a rash and negligent manner, while trying to overtake another vehicle, dashed the bicycle from the back side, for which the deceased sustained grievous injuries on head and other parts of the body, immediately he was shifted to Global Hospital, L.B.Nagar,, where he succumbed to injuries while undergoing treatment.

4. Before the tribunal, in order to prove the case of the claimants, PWs.1 and 2 were examined and marked Exs.A1 to A.6.

On behalf of the respondents, Exs.B.1 was marked, but no oral evidence was adduced.

5. Learned counsel appearing for the claimants contended that the compensation granted by the tribunal is meager and hence, prayed to grant just and proper compensation as per the decisions of the Apex Court by allowing the appeal.

6. Learned standing counsel for the insurance company contended that the order passed by the tribunal is well considered and needs no interference of this Court.

7. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, it is a case of death. There is no dispute with regard to the nature of accident and involvement of the vehicle. The points for consideration in this appeal is that future prospects and conventional heads. The deceased is having permanent job and aged about 45 years, as per decision of the apex Court in **National Insurance Company Limited v Pranay Sethi¹**, 25% towards future prospects to be granted and Rs.70,000/- towards conventional heads instead of loss of consortium Rs.1,00,000/- and funeral expenses Rs.25,000/-. The claimants are entitled for future prospects @ 25% comes to Rs.1,89,000/-. (Rs.7,56,000/- x 25%). Thus, the claimants are entitled for total compensation of Rs.10,15,000/- (Rs.7,56,000/- + Rs.1,89,000/- + Rs.70,000/-). The rate of interest is reduced from 9% to 7.5% per annum on the

¹ 2017(6) 170 (SC)

compensation amount, as per decision of the Apex Court in **Rajesh v Rajbir Singh**². In all other aspects, the order passed by the tribunal is unaltered. The claimants are entitled to withdraw the compensation amount soon after the deposit is made. The 2nd respondent is directed to deposit the compensation amount within three months from the date of this judgment.

8. In view of the above, the appeal is allowed in part. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 02.01.2020
kvrn

T.AMARNATH GOUD,J

² 2013 ACJ 1403