

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

M.A.C.M.A. No.2583 of 2016

ORDER:

This Motor Accidents Civil Miscellaneous Appeal is filed by the claimants/dependants of the deceased who died in a motor vehicle accident that occurred on 21.09.2014, challenging the award passed in O.P.No.2564 of 2014, dated 17.03.2016 on the file of the Motor Accidents Claims Tribunal-cum-II Addl. Chief Judge, City Civil Courts, Hyderabad.

2. The claimants/appellants 1 and 2 are parents and appellants 3 and 4 are brothers of the deceased. The claimants claimed a sum of Rs.15,00,000/- (Rupees Fifteen lakhs only) as compensation for the death of the deceased, while the Tribunal has awarded compensation of Rs.4,70,000/- (Rupees Four lakhs seventy thousand only). Seeking enhancement of the compensation, the present appeal is filed.

3. The learned counsel for the appellants submits that the deceased was 19 years of age at the time of the accident and he was earning a sum of Rs.8,500/- per month as per the evidence of PW3 who was the Employer of the deceased and therefore, the same should have been adopted while computing

the compensation as against Rs.30,000/- per annum adopted by the Tribunal as notional income of the deceased. He further submits that as per the judgment of hon'ble Supreme Court in ***National Insurance Company Limited., vs Pranay Sethi,*** 2017 (6) 170 (SC) and ***Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram,*** 2018 LawSuit (SC) 904, the petitioners are also entitled to funeral expenses @ Rs.15,000/- with 10% enhancement thereon and loss of estate @ Rs.15,000/- with 10% enhancement thereon. Both parents are entitled for filial consortium @ Rs.40,000/- each and Rs.40,000/- each is to be granted towards filial consortium for the minor siblings with 10% enhancement thereon.

4. The learned Standing Counsel for the respondent/insurance company is also heard, who vehemently opposed the claim of enhancement of the compensation awarded by the Tribunal.

5. Having regard to the material on record, it is noticed that the deceased was working in a company and in evidence thereof, a salary certificate for a sum of Rs.8,500/- has been produced which has not been disputed or disproved and the Employer was also examined. In view of the evidence of the

Employer, and the salary certificate, this Court is of the opinion that the monthly income of the deceased should be adopted at Rs.8,500/- per month. Since, it is a case of death and the deceased was only 19 years of age at the time of his death, the claimants are also entitled to loss of future prospects at the rate of 40% of the income of the deceased. As per the judgment of the hon'ble Supreme Court in the case of ***Magma General Insurance Company Limited, vs Nanu Ram Alias Chuhru Ram, 2018 LawSuit (SC) 904***, the appellants 1 and 2 being parents were also entitled to filial consortium of Rs.40,000/- each with 10% enhancement thereon. The claimants 3 and 4 are minor brothers of the deceased and therefore, they are also entitled to compensation for loss of love and affection and care and protection. Therefore, this Court deems it fit and proper to award a sum of Rs.20,000/- each under this head.

6. In the light of the above mentioned discussion, the appellants are entitled to the following amounts:

Sl.No.	Head	Compensation awarded
1.	Income	Rs.8,500 per month

2.	Annual income	Rs.1,02,000/- per annum
3.	Deductions towards personal expenses	Rs.51,000/- i.e., 50% of the income as the deceased died as unmarried
4.	Future Prospects	Rs.20,400/- (51,000x40%)
5.	Total income	Rs.71,400/- (Rs.51,000/-+20,400)
6.	Multiplier	18
7.	Loss of dependency	Rs.12,85,200/- (Rs.71,400x18)
8.	Loss of filial consortium – Magma General Insurance Co.Ltd Vs.Nanu Ram Alias Chuhru Ram – 2018 Law Suit (SC) 904	Rs.88,000/- (40,000 + 10% enhancement) (Parents Rs.40,000/- each + 10% enhancement thereof)
9	Loss of love and affection to the minor siblings	Rs.40,000/- (Rs.20,000/- x 2)
10.	Funeral expenses	Rs.16,500/- (Rs.15,000/- + 10% thereof)

11.	Loss of estate	Rs.16,500/- (Rs.15,000/- + 10% thereof)
	Total	Rs.14,46,200/-

7. In the result, the award dt.17.03.2016 in M.V.O.P.No.2564 of 2014 on the file of the Motor Accidents Claims Tribunal-cum-Chief Judge, City Civil Courts, Hyderabad is modified by awarding a total compensation of Rs.14,46,200/- (Rupees Fourteen lakhs forty six thousand two hundred only) with costs and interest thereon at 7.5% per annum from the date of the claim petition till the date of realisation against the respondents No.1 and 2 jointly and severally. The respondents shall deposit the compensation amount within a period of 90 days from the date of receipt of a copy of this order. On such deposit being made, the appellants No.1 to 4 are permitted to withdraw the same without furnishing any security as per the following moieties:

Appellant No.1 (Mother)	Rs.5,46,200/- (Rupees Five lakhs forty six thousand two hundred only)
Appellant No.2 (Father)	Rs.5,00,000/- (Rupees Five lakhs only)
Appellant No.3 (Brother)	Rs.2,00,000/- (Rupees Two lakhs only)
Appellant No.4 (Brother)	Rs.2,00,000/- (Rupees Two lakhs only)

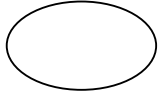
8 The Civil Miscellaneous Appeal is accordingly allowed in part. No order as to costs in this appeal.

9. Pending miscellaneous petitions, if any, shall stands closed.

JUSTICE P.MADHAVI DEVI

Date: 10.06.2022.

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THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI

M.A.C.M.A. No.2583 OF 2016

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