

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

**M.A.C.M.A.Nos.494, 495, 496, 508, 509, 510 of 2007
and 1451, 1453 & 1457 of 2008**

COMMON JUDGMENT: (Per Hon'ble Dr. Justice Shameem Akther)

Since the facts of the case and the issue involved in all these appeals is one and the same and since all these appeals arise out of the same common judgment, all these appeals are taken up together and are being disposed of by this common judgment.

2. MACMA Nos.494, 495, 496, 508, 509 and 510 of 2007 are filed by the appellant/claimant-P.Narahari Rajagopala Varma, and MACMA Nos.1451, 1453 and 1457 of 2008 are filed by the appellant/United India Insurance Company Limited, challenging the common judgment, dated 08.11.2006, passed in M.V.O.P.Nos.497, 498, 502, 503, 504 and 506 of 2003 by the Chairman, Motor Accident Claims Tribunal-cum-XXI Additional Chief Judge, Hyderabad (for short, 'the Tribunal').

3. The appellant in MACMA Nos.494, 495, 496, 508, 509 and 510 of 2007/claimant was the sole surviving member of the accident that occurred on 23.10.2000 at 10:00 AM at the outskirts of Ayitipamula Village, Kattamgur Mandal, Nalgonda District,

wherein, his parents, two younger brothers and two younger sisters were killed. He filed MVOP No.497/2003 claiming a compensation of Rs.5,00,000/- for the death of his younger sister by name Sharadamata; MVOP No.498/2003 claiming a compensation of Rs.15,00,000/- for the death of his younger brother by name Shambu Prasad Verma; MVOP No.502/2003 claiming a compensation of Rs. 37,00,000/- for the death of his father by name Thimma Raju; MVOP No.503/2003 claiming a compensation of Rs.33,00,000/- for the death of his mother by name Subhashini; MVOP No.504/2003 claiming a compensation of Rs.5,00,000/- for the death of his another younger sister by name Gayathri; and MVOP No.506/2003 claiming a compensation of Rs.15,00,000/- for the death of his another younger brother by name Shivaji Verma. The Tribunal granted a compensation of Rs.30,000/- in each MVOP, with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realisation. Aggrieved by the same, the claimant preferred MACMA Nos.494, 495, 496, 508, 509 and 510 of 2007 seeking enhancement of compensation and the Insurance Company preferred MACMA Nos.1451, 1453 and 1457 of 2008 seeking to set aside the common judgment under challenge.

4. We have heard the submissions of Sri S.Srinivas Reddy, learned senior counsel, appearing for Sri C.Sumon, learned counsel for the appellant in MACMA Nos.494, 495, 496, 508, 509 and 510 of 2007 and respondent No.1 in MACMA Nos.1451, 1453 and 1457 of 2008; learned Standing Counsel for the United India Insurance Company Limited appearing for respondent Nos.4 to 7 in MACMA Nos.494, 495, 496, 508, 509 and 510 of 2007 and appellants in MACMA Nos.1451, 1453 and 1457 of 2008/Insurance Company. We have perused the record.

5. For convenience of discussion, the parties are hereinafter referred to, as arrayed before the Tribunal.

6. It is the case of the claimant that on 23.10.2000 at about 10:00 AM, when he along with his parents, two younger brothers and two sisters were proceeding in a car bearing registration No.AP-09-AH-1269 and when they reached the outskirts of Ayitipamula Village, Kattangur Mandal, Nalgonda District, a bus bearing registration No.AP-9-U-2646, being driven by its driver/respondent No.3 in a rash and negligent manner, dashed against the car on account of which, his entire family, i.e., his parents, his two younger brothers and two younger sisters died. As per the evidence on record, the claimant is the sole surviving

member of the family, legal representative and dependant on the deceased persons.

7. Learned senior counsel appearing for the claimant (appellant in MACMA Nos.494, 495, 496, 508, 509 and 510 of 2007 and respondent No.1 in MACMA Nos.1451, 1453 and 1457 of 2008) would contend that there is ample oral and documentary evidence on record to substantiate that the subject accident occurred due to rash and negligent driving of respondent No.3/the driver of the bus bearing registration No.AP-9-U-2646. The Court below while advertng to the oral and documentary evidence on record in relation to the occurrence of the subject accident, held that the subject accident occurred due to the rash and negligent driving of respondent No.3/driver of the bus. Though the claimant claimed a compensation of Rs.5,00,000/-, Rs.15,00,000/-, Rs.37,00,000/-, Rs.33,00,000/-, Rs.5,00,000/- and Rs.15,00,000/- on account of death of his younger sister, younger brother, father, mother, another younger sister and another younger brother respectively vide OP Nos.947/2003, OP No.498/2003, OP No.502/2003, OP No.503/2003, OP No.504/2003 and OP No.506/2003 respectively, the Court below uniformly granted a compensation of Rs.30,000/- in each OP, which is erroneous. Though the claimant is an engineering graduate and was earning Rs.15,000/- per month, he

was dependent on the deceased. Further, granting Rs.25,000/- towards loss of love and affection and Rs.5,000/- towards funeral expenses in each MVOP by the Tribunal, is very meagre. In view of the decision of the Hon'ble Apex Court in **Radhakrishna and others Vs. Gokul and others**¹ and a decision of the erstwhile High Court of Andhra Pradesh in **B.Ramulamma and others Vs. Venkatesh, Bus Union and others**², the claimant, though an earning member, being dependant and the legal representative of the deceased, is entitled to get compensation, as claimed in the claim petitions. The Tribunal ought to have granted compensation under the head loss of dependency and on other scores and ultimately prayed to allow the claim petitions as prayed for.

8. On the other hand, learned Standing Counsel for United India Insurance Company Limited (appellants in MACMA Nos.1451, 1453 and 1457 of 2008 and respondent Nos.4 to 7 in MACMA Nos.494, 495, 496, 508, 509 and 510 of 2007) and would contend there was no negligence on the part of the driver of the bus bearing registration No.AP-9-U-2646, the subject accident occurred due the rash and negligent driving of the driver of the car bearing registration No.AP-9-AH-1269. The claimant is not a

¹ MANU/SC/1143/2013

² MANU/AP/0449/2009

dependent on the deceased. Therefore, he is not entitled for any compensation towards loss of dependency. The Tribunal, without there being any substantial evidence, had attributed negligence on the part of the driver of the bus bearing No.AP-9-U-2646. There was contributory negligence on the part of the deceased driver of the subject car also. The Court below ought to have taken the same into consideration. There is specific mention in Ex.B2-certified copy of rough sketch of scene of offence, which clearly demonstrate that the subject accident occurred due to rash and negligent driving of the driver of the car. The Court below ought not have granted any compensation in favour of the claimant and ought not have tagged liability on the insurance company and ultimately prayed to set aside the impugned common judgment and dismiss the claim petitions.

9. In view of the above submissions, the points that arise for determination in these appeals are as follows:

- 1. Whether the subject accident occurred on 23.10.2000 at 10:00 AM at the outskirts of Ayitipamula Village, Kattamgur Mandal, Nalgonda District, due to the rash and negligent driving of the driver of the bus bearing registration No.AP-9-U-2646; or due to the rash and negligent driving of the driver of the car bearing registration No.AP-9-AH-1269?*
- 2. Whether there was contributory negligence on the part of the drivers of both the vehicles?*

3. *Whether the Court below is justified in granting compensation of Rs.25,000/- under the head loss of love and affection and Rs.5,000/- towards funeral expenses (totalling to Rs.30,000/-) in all the MVOPs?*
4. *Whether the claimant, being the son and brother of the deceased, is entitled for compensation as dependent/legal representative of the deceased, as the case may be?*
5. *To what result?*

POINTS:-

10. The Tribunal, while dealing with the subject MVOPs, was pleased to frame the following issues:

1. *Whether the accident occurred due to rash and negligent driving of the bus bearing No.AP-9-U-2646?*
2. *Whether the petitioner is entitled for compensation? If so to what amount and against whom?*
3. *To what relief?*

All the subject MVOPs were clubbed in view of the Memo filed by both the parties and were disposed of by the impugned common judgment, dated 08.11.2006. The Tribunal, while determining issue No.1, was pleased to place reliance over the evidence of PW.1, PW.2 and Ex.A1-certified copy of FIR, ExA2-certified copy of PME Report, Ex.A3-certified copy of judgment in C.C.No.452/2000, Ex.A4-judgment in Crl.A.No.62/2002 on the file of II Additional Sessions Judge (Fast Track Court), Nalgonda, and Ex.A5-certified Xerox copy of MVI Report. The PME report of the deceased persons under Ex.A2 substantiates that the subject death was caused due to the injuries suffered in the subject accident. Ex.A3-

certified copy of judgment in C.C.No.452/2000 reveals that the subject accident was caused due to rash and negligent driving of the driver of the bus bearing No.AP-9-U-2646. Though the driver of bus was arrayed as respondent No.3 in the claim petitions, he remained ex parte and did not choose to give his evidence. However, aggrieved by the judgment of conviction recorded against him, he preferred an appeal vide Criminal Appeal No.62 of 2002 on the file of II Additional Sessions Judge (Fast Track Court), Nalgonda, and the said appeal was dismissed on 29.10.2003. So, Ex.A3 substantiates that there was rashness and negligence on the part of the driver of the bus bearing registration No.AP-9-U-2646. Further, there is specific evidence of PW.2, who is said to be an eye-witness, to the effect that the subject accident took place due to the rash and negligent driving of the driver of the bus bearing No.AP-9-U-2646. Furthermore, Ex.A5 is the certified copy of MVI Report, according to which, there were no mechanical defects in the subject bus. All the evidence on record clinchingly establish that the subject accident occurred due to rash and negligent driving of the driver of the bus bearing registration No.AP-9-U-2646. The Tribunal, while advertng to the evidence record, rightly held that the subject accident occurred due to rash and negligent

driving of the driver of the bus bearing registration No.AP-9-U-2646. There is nothing to take a different view.

11. Learned senior counsel appearing for the claimant contended that the claimant, though an earning member, being the legal representative of the deceased, is entitled to claim compensation and that the Court below erroneously negated the same holding that the claimant was employed as software engineer and was getting Rs.15,000/- towards salary and was not dependent on the deceased. We find force in the said contention of the learned senior counsel. Similar question came up for consideration in **National Insurance Company Limited Vs. Birender and others**³, wherein, the Hon'ble Apex Court, referring to its various previous decisions, held as follows:-

“...The compensation constitutes part of the estate of the deceased. As a result, the legal representative of the deceased would inherit the estate. Indeed, in that case, the Court was dealing with the case of a married daughter of the deceased and the efficacy of Section 140 of the Act. Nevertheless, the principle underlying the exposition in this decision would clearly come to the aid of the respondent Nos. 1 and 2 (claimants) even though they are major sons of the deceased and also earning.

It is thus settled by now that the legal representatives of the deceased have a right to apply for compensation. Having said that, it must necessarily follow that even the major married and earning sons of the deceased being legal representatives have a right to apply for compensation and it would be the bounden duty of the Tribunal to consider the application irrespective of the fact whether the concerned legal representative was fully dependant on the deceased and not to limit the claim towards conventional heads only. The evidence on record in the present case would suggest that the claimants were working as agricultural labourers

³ (2020) 11 SCC 356

on contract basis and were earning meagre income between Rs.1,00,000/ and Rs.1,50,000/ per annum. In that sense, they were largely dependant on the earning of their mother and in fact, were staying with her, who met with an accident at the young age of 48 years.

12. To the same effect is the decision of the Hon'ble Apex Court in **Gujarat State Road Transport Corporation, Ahmedabad Vs. Ramanbhai Prabhatbhai and another**⁴, wherein, the Hon'ble Apex Court, after extensively discussing the issue, held as follows:-

"Having considered all the three sets of decisions referred to above, Ahmadi, J. who wrote the judgment in Megjibhai Khimji Vira and another v. Chaturbhai Taljabhai and others (AIR 1977 Guj 195) came to the conclusion that an application made by the nephews of the deceased who died on account of a motor vehicle accident was clearly maintainable under section 110-A of the Act. We feel that the view taken by the Gujarat High Court is in consonance with the principles of justice, equity and good conscience having regard to the conditions of the Indian society. Every legal representative who suffers on account of the death of a person due to a motor vehicle accident should have a remedy for realisation of compensation and that is provided by sections 110-A to 110-F of the Act. These provisions are in consonance with the principles of law of torts that every injury must have a remedy. It is for the Motor Vehicles Accidents Tribunal to determine the compensation which appears to it to be just as provided in section 110-B of the Act and to specify the person or persons to whom compensation shall be paid. The determination of the compensation payable and its apportionment as required by section 110B of the Act amongst the legal representatives for whose benefit an application may be filed under section 110-A of the Act have to be done in accordance with well-known principles of law. We should remember that in an Indian family brothers, sisters and brothers' children and sometimes foster children live together and they are dependent upon the bread-winner of the family and if the bread-winner is killed on account of a motor vehicle accident, there is no justification to deny them compensation relying upon the provisions of the Fatal Accidents Act, 1855 which as we have already held has been substantially modified by the provisions contained in the Act in relation to cases arising out of motor vehicles accidents. We express our

⁴ (1987) 2 SCC 234

approval of the decision in Megjibhai Khimji Vira and another v. Chaturbhai Taljabhai and others, (supra) and hold that the brother of a person who dies in a motor vehicle accident is entitled to maintain a petition under section 110-A of the Act if he is a legal representative of the deceased.

We have carefully gone through the decision of the High Court of Madhya Pradesh in Budha v. Union of India and others (AIR 1981 MP 151). We feel that the view taken in that decision is a narrow one and does not give full effect to the object with which sections 110-A and 110-B of the Act were enacted. We overrule the said decision.

Before concluding we may add that although the Act was extensively modified after the receipt of the report of the Law Commission, Parliament did not choose to amend section 110-A of the Act by defining the expression 'legal representatives' in relation to claims under Chapter VIII of the Act as 'the spouse, parent and children of the deceased' as recommended by the Law Commission. The Law Commission had observed in its 85th report that it would be appropriate to assign to the expression 'legal representative' the same meaning as had been given to the expression 'representative' for the purposes of the Fatal Accidents Act, 1855 and that would effectively carry-out the purpose of social justice underlying Chapter VIII of the Act, to which the Fatal Accidents Act, 1855 was the nearest approximation. This recommendation was made after referring to the divergent views expressed by the various High Courts on the meaning of the expression 'legal representatives' in section 110-A of the Act. The fact that Parliament declined to take any action on the recommendation of the Law Commission of India suggests that Parliament intended that the expression 'legal representatives' in section 110-A of the Act should be given a wider meaning and it should not be confined to the spouse, parent and children of the deceased.

13. Thus, the Hon'ble Apex Court is of the consistent view that the legal representatives of the deceased, though married and gainfully employed, can claim compensation and that the legal representatives of the deceased, including brothers of the deceased victim of motor accident, are entitled to maintain application for compensation under Section 110-A of the Motor Vehicles Act. In the instant case, it is not in dispute that the

claimant is the legal representative of the deceased, i.e., his younger brother and younger sisters also. Therefore, following the dicta laid by the Hon'ble Apex Court in the above cited decisions, we hold that in the instant case, the claimant, though gainfully employed, being the legal representative of the deceased, is entitled to claim compensation for the death of his parents, brothers and sisters. The Court below completely lost sight of the aforementioned settled legal preposition of law and erroneously negated the same. It is also pertinent to state that though the claimant is an engineering graduate and earning Rs.15,000/- per month, he lost his parents at young age. The parents were earning members. Had his parents been alive, he would have been benefited from them monetarily and would have got good services from them. Considering the decision of the Hon'ble Apex Court in **Birender's** case (1 supra) and **Ramanbhai Prabhatbhai's** case (2 supra), though the claimant is an earning member, he is entitled for compensation on account of death of his parents.

14. Now the question that needs answer is as to what is the just and reasonable compensation to which the claimant is entitled. The claimant filed MVOP No.502/2003 claiming a compensation of

Rs. 37,00,000/- for the death of his father by name Thimma Raju. The material evidence placed on record reveals that he was aged 55 years as on the date of the subject accident. Ex.A40 is the income tax returns of the father of the claimant, wherein, his salary was shown as Rs.1,07,536/- per annum. In view of the decision of the Hon'ble Apex Court in **National Insurance Company Limited Vs. Pranay Sethi and others**⁵, an addition of 15% is to made towards future prospects, which comes to Rs.1,23,666/- (Rs.1,07,356/- + Rs.16,130/-). Further, as the claimant is the sole dependent, a deduction of 50% is to be made towards personal expenses, which comes to Rs.61,833/- (50% of Rs.1,23,666/-). The appropriate multiplier applicable to the age of the deceased as per the decision of the Hon'ble Apex Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another**⁶ is 11. Thus, the total loss of dependency would come to Rs.6,80,163/- (Rs.61,833/- x 11). Further, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), we grant an amount of Rs.40,000/- towards loss of consortium, Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. Thus, the claimant is entitled for compensation of Rs.**7,50,163 /-** (Rs.6,80,163 + 70,000/-) along with interest @

⁵ (2017) 16 SCC 680

⁶ (2009) 6 SCC 121

7.5% per annum from the date of petition till the date of realisation for the death of his father by name Thimma Raju.

15. The claimant filed MVOP No.503/2003 claiming a compensation of Rs.33,00,000/- for the death of his mother by name Subhashini. Exs.A41 to A43 are the income tax returns of the mother of the claimant. Ex.A42 reveals that she was earning Rs.1,45,740/- per annum. In view of the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), an addition of 15% is to be made towards future prospects, which comes to Rs.1,67,601/- (Rs.1,45,740/- + Rs.21,861/-). Further, as the claimant is the sole dependent, a deduction of 50% is to be made towards personal expenses, which comes to Rs.83,800/- (50% of Rs.1,67,601/-). The appropriate multiplier applicable to the age of the deceased as per the decision of the Hon'ble Apex Court in **Sarla Verma's** (6 supra) is 11. Thus, the total loss of dependency would come to Rs.9,21,800/- (Rs.83,800/- x 11). Further, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), we grant an amount of Rs.40,000/- towards loss of consortium, Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. Thus, the claimant is entitled for compensation of Rs.**9,91,800/-** along with interest @ 7.5% per

annum from the date of petition till the date of realisation for the death of his mother by name Subhashini.

16. The claimant filed MVOP No.498/2003 claiming a compensation of Rs.15,00,000/- for the death of his younger brother by name Shambu Prasadn Verma. The material evidence placed on record reveals that he was 21 years old as on the date of accident and was pursuing B.Sc. II Year. Ex.A14 is his Secondary School Certificate. Ex.A15 is his B.Sc. consolidated marks memo. Thus, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), we deem it appropriate to take his annual income as Rs.36,000/-. In view of the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), an addition of 40% is to made towards future prospects, which comes to Rs.50,400/- (Rs.36,000/- + Rs.14,400/-). Further, as the claimant is the sole dependent, a deduction of 50% is to be made towards personal expenses, which comes to Rs.25,200/- (50% of Rs.50,400/-). The appropriate multiplier applicable to the age of the deceased as per the decision of the Hon'ble Apex Court in **Sarla Verma's** (6 supra) is 18. Thus, the total loss of dependency would come to Rs.4,53,600/- (Rs.8,400/- x 18). Further, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5

supra), we grant an amount of Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. Thus, the claimant is entitled for compensation of Rs.**4,83,600 /-** along with interest @ 7.5% per annum from the date of petition till the date of realisation for the death of his brother by name Shambu Prasad Varma.

17. The claimant filed MVOP No.497/2003 claiming a compensation of Rs.5,00,000/- for the death of his younger sister by name Sharadamata. As per the material evidence placed on record, she is a B.Com graduate and was aged 20 years as on the date of the subject accident. Ex.A26 is her Secondary School Certificate and Ex.A27 is her B.Com. consolidated marks memo. Thus, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), we deem it appropriate to take her annual income as Rs.36,000/-. In view of the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), an addition of 40% is to made towards future prospects, which comes to Rs.50,400/- (Rs.36,000/- + Rs.14,400/-). Further, as the claimant is the sole dependent, a deduction of 50% is to be made towards personal expenses, which comes to Rs.25,200/- (50% of Rs.50,400/-). The appropriate multiplier applicable to the age of the deceased as per

the decision of the Hon'ble Apex Court in **Sarla Verma's** (6 supra) is 18. Thus, the total loss of dependency would come to Rs.4,53,600/- (Rs.8,400/- x 18). Further, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), we grant an amount of Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. Thus, the claimant is entitled for compensation of Rs.**4,83,600/-** along with interest @ 7.5% per annum from the date of petition till the date of realisation for the death of his sister Sharadamata.

18. The claimant filed MVOP No.504/2003 claiming a compensation of Rs.5,00,000/- for the death of his another younger sister by name Gayathri. As per Ex.A30-VII Class Common Examination Certificate of the deceased Gayathri, her date of birth was 18.01.1987. Thus, she was aged 12 years as on the date of the subject accident. Ex.A30 reveals that she was a meritorious student. Thus, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), we deem it appropriate to take her annual income as Rs.30,000/-. In view of the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), an addition of 40% is to made towards future prospects, which comes to Rs.42,000/- (Rs.30,000/- + Rs.12,000/-).

Further, as the claimant is the sole dependent, a deduction of 50% is to be made towards personal expenses, which comes to Rs.21,000/- (50% of Rs.42,000/-). The appropriate multiplier applicable to the age of the deceased, as per the decision of the Hon'ble Apex Court in **Divya Vs. The National Insurance Company Limited and another**⁷, is 15. Thus, the total loss of dependency would come to Rs.3,15,000/- (Rs.21,000/- x 15). Further, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), the claimant is entitled to Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. Thus, the claimant is entitled for compensation of Rs.**3,45,000/-** along with interest @ 7.5% per annum from the date of petition till the date of realisation for the death of his sister Gayathri.

19. The claimant filed MVOP No.506/2003 claiming a compensation of Rs.15,00,000/- for the death of his another younger brother by name Shivaji Verma. As per Ex.A.19-Secondary School Certificate of the deceased Shivaji Verma, his date of birth was 18.06.1983. Thus, he was aged 18 years as on the date of the subject accident. Thus, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), we

⁷ 2022 Live Law (SC) 892

deem it appropriate to take his annual income as Rs.30,000/-. In view of the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), an addition of 40% is to be made towards future prospects, which comes to Rs.42,000/- (Rs.30,000/- + Rs.12,000/-). Further, as the claimant is the sole dependent, a deduction of 50% is to be made towards personal expenses, which comes to Rs.21,000/- (50% of Rs.42,000/-). The appropriate multiplier applicable to the age of the deceased as per the decision of the Hon'ble Apex Court in **Sarla Verma's** (6 supra) is 18. Thus, the total loss of dependency would come to Rs.3,78,000/- (Rs.21,000/- x 18). Further, following the decision of the Hon'ble Apex Court in **Pranay Sethi's** case (5 supra), we grant an amount of Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. Thus, the claimant is entitled for compensation of Rs.**4,08,000/-** along with interest @ 7.5% per annum from the date of petition till the date of realisation for the death of his brother Shivaji Varma.

20. Accordingly, **(i)** MACMA No.508 of 2007 (MVOP No.497 of 2003) is allowed in part, enhancing the compensation from Rs.30,000/- to Rs.**4,83,600/-** with interest @ 7.5% per annum from the date of petition till the date of realisation; **(ii)** MACMA

No.509 of 2007 (MVOP No.498 of 2003) is allowed in part, enhancing the compensation from Rs.30,000/- to **Rs.4,83,600/-** with interest @ 7.5% per annum from the date of petition till the date of realisation; **(iii)** MACMA No.495 of 2007 (MVOP No.502 of 2003) is allowed in part, enhancing the compensation from Rs.30,000/- to **Rs.7,50,163/-** with interest @ 7.5% per annum from the date of petition till the date of realisation; **(iv)** MACMA No.496 of 2007 (MVOP No.503 of 2003) is allowed in part, enhancing the compensation from Rs.30,000/- to **Rs.9,91,800/-** with interest @ 7.5% per annum from the date of petition till the date of realisation; **(v)** MACMA No.494 of 2007 (MVOP No.504 of 2003) is allowed in part, enhancing the compensation from Rs.30,000/- to **Rs.3,45,000/-** with interest @ 7.5% per annum from the date of petition till the date of realisation; and **(vi)** MACMA No.510 of 2007 (MVOP No.506 of 2003) is allowed in part, enhancing the compensation from Rs.30,000/- to **Rs.4,08,000/-** with interest @ 7.5% per annum from the date of petition till the date of realisation. The appellants/claimant is permitted to withdraw 50% of the compensation amount and total costs, without furnishing any security. The remaining 50% of the compensation is ordered to deposited in Fixed Deposit for a period of three years.

21. Ex.B1 is the true copy of the Insurance policy of the offending bus bearing registration No.AP-9-U-2646. The material placed on record reveals that there is no violation of the terms and conditions of the insurance policy. Therefore, the respondent Nos.1 and 2, being the owners of the offending bus bearing registration No.AP-9-U-2646 and the respondent No.3, being the driver of the said bus, are jointly and severally liable to pay the aforementioned compensation awarded to the claimant.

22. Accordingly, MACMA Nos.494, 495, 496, 508, 509 and 510 of 2007 filed by the claimant are allowed to the extent indicated above; and MACMA Nos.1451, 1453 and 1457 of 2008 filed by the Insurance Company are dismissed.

Miscellaneous petitions, if any, pending in all these appeals, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

13th December, 2022
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