

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

M.A.C.M.A. No.1134 of 2017

JUDGMENT

This Motor Accidents Civil Miscellaneous Appeal is filed by the appellants No.1 and 2, who are wife and daughter of the deceased who died in the motor vehicle accident that occurred on 13.04.2014, challenging the award passed in M.V.O.P.No.1835 of 2014, dated 27.01.2017 on the file of Chairman, Motor Vehicle Accidents Claims Tribunal-cum-XIII Additional Chief Judge (Fast Track Court), City Civil Courts at Hyderabad (for short, "the Tribunal").

2. The appellants have filed the M.V.O.P seeking compensation of Rs.20,00,000/-, whereas the Tribunal has awarded a sum of Rs.13,05,000/- (Rupees Thirteen lakhs five thousand) only.

3. The learned counsel for the appellants submits that though the Employer of the deceased had given evidence that he was paying a sum of Rs.11,000/- (Rupees Eleven thousand) only per month to his employee, the

Tribunal has adopted a sum of Rs.10,000/- only as monthly salary and awarded compensation. The present appeal is filed seeking enhancement of the compensation, by taking monthly income of the deceased as Rs.11,000/- per month and by awarding compensation towards loss of future prospects @ 40% as per **National Insurance Company Limited vs Pranay Sethi and others**, 2017 (6) 170 (SC). The learned counsel for the appellants also submits that the claimants are also entitled to the compensation towards funeral expenses, loss of estate and consortium as per **Magma General Insurance Company Limited vs Nanu Ram Alias Chuhru Ram**, 2018 LawSuit (SC) 904, to the spouse and daughter.

4. The learned Standing Counsel for the Insurance Company submits that the Tribunal has adopted reasonable amount of Rs.10,000/- as monthly income of the deceased for awarding the compensation and therefore, the award needs no interference.

5. Having regard to the submissions of both the parties and having perused the material on record, it is noticed that the Employer of the deceased has been

examined as PW2 and has given evidence that he has paid salary of Rs.11,000/- per month to his employee, the deceased in the motor vehicle accident. There is no contradictory evidence by the Insurance Company and there is no evidence adduced contrary to the said evidence of the Employer. Therefore, this Court is of the opinion that the Tribunal ought to have adopted the monthly income of the deceased at Rs.11,000/- per month and after deducting 1/3rd thereof, towards his personal expenses, the compensation should have been computed. It is seen that as the deceased was aged about 38 years, the Tribunal has rightly adopted the Multiplier as '15'. As per the judgment of the hon'ble Supreme Court in **Smt.Sarla Verma and others vs Delhi Transport Corporation and another**, 2009 (6) SCC 121, and as per the judgment of the hon'ble Supreme Court in **National Insurance Company Limited vs Pranay Sethi and others**, 2017 (6) 170 (SC), the appellants No.1 and 2 are entitled for compensation for loss of future prospects @ 40% on the income of deceased and Rs.15,000/- towards funeral expenses and towards loss of estate Rs.15,000/- with 10% enhancement thereon.

6. In addition to the above, 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, spousal and parental consortium is awarded at Rs.40,000/- to the wife and daughter of the deceased with 10% enhancement thereon.

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

Sl.No.	Head	Compensation awarded
1.	Income	Rs.11,000 per month
2.	Annual income	Rs.1,32,000/- per annum
3.	Deductions towards personal expenses	Rs.44,000/- (i.e., 1/3 rd of the income of the deceased)
4.	Multiplier	15
5.	Future Prospects	Rs.1,23,200/- (Rs.1,32,000 - 44,000=88,000x 40%)

6.	Loss of dependency	Rs.18,48,000/- (Rs.1,23,200/-x15)
7.	Loss of spousal and parental consortium – <i>Magma General Insurance Co.Ltd Vs.Nanu Ram Alias Chuhru Ram – 2018 Law Suit (SC) 904</i>	Rs.88,000/- (Rs.40,000/- + 10% enhancement thereon payable to each of the appellants No.1 and 2 respectively)
8.	Funeral expenses and loss of estate	Rs.33,000/- (Rs.15,000/- +10% enhancement under each head)
	Total	Rs.19,69,000/-

8. In the result, this MACMA is partly allowed enhancing the compensation from Rs.13,05,000/- to Rs.19,69,000/- (Rupees Nineteen lakhs sixty nine thousand only) with interest thereon at 7.5% per annum from the date of the claim petition till the date of realisation against the respondent No.1 and 2 jointly and severally. The compensation amount shall be deposited within a period of 90 days by the respondents from the date of receipt of a copy of this order. On such deposit, the appellants No.1 and 2 are permitted to withdraw the same as per the following shares:

**Appellant No.1 Rs.12,00,000/-
(Rupees Twelve lakhs only)**

**Appellant No.2 Rs. 7,69,000/-
(Rupees Seven lakhs sixty nine
thousand only)**

9. The Civil Miscellaneous Appeal is accordingly allowed in part without costs.

10. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE P.MADHAVI DEVI

Date: 30.06.2022.
Krl.

THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI

M.A.C.M.A. No.1134 OF 2017

Date:30.06.2022

Krl.