

THE HONOURABLE SMT.JUSTICE P.MADHAVI DEVI

M.A.C.M.A.Nos. 1043 OF 2017 and 628 OF 2017

COMMON ORDER:

The learned counsel for the claimants who are the appellants in M.A.C.M.A No.1043 of 2017, are also respondents in the appeal filed by the Corporation in M.A.C.M.A No.628 of 2017. Both these appeals are filed by the Corporation as well as claimants against the award of the Motor Accident Claims Tribunal-cum-The Court of Chief Judge, City Civil Courts, Hyderabad, in M.V.O.P.No.1757 of 2014.

2. The brief facts leading to filing of the present appeals are that in the Motor Vehicle accident that took place on 18.05.2014, a person by name Ramchander Goud died and seeking compensation for his death, the claimants have filed M.V.O.P.No.1757 of 2014. They claimed compensation of Rs.20,00,000/-, but the Tribunal has awarded compensation of a sum of Rs.14,49,500/- with interest @ 9% per annum from the date of the claim petition to till date of payment. For awarding such compensation, the Tribunal has adopted the monthly income of the deceased as Rs.7,000/- per month and after allowing the compensation towards loss of future prospects @ 50%, his total monthly income was arrived at to Rs.10,500/-. Challenging the same, the respondent Corporation has filed this

appeal, while seeking enhancement of the same, claimants have also filed the appeal.

3. According to the claimants, the deceased was working as a contract labourer in Hetero Company and in proof thereof, a salary certificate has been filed and a co-employee also deposed in proof of the same. Therefore, the income is mentioned in salary certificate at Rs.10,000/- per month and also an additional income of Rs.10,000/- per month from milk vending business i.e., a total of Rs.20,000/- should be accepted as his monthly income is the argument of the learned counsel for the appellant.

4. The learned counsel for the appellant corporation is also heard.

5. Having regard to the fact that the claimants have filed salary certificate which has not been disputed by the respondents and it has also been supported by way of a statement of his co-employee, this Court deems it fit and proper to adopt the monthly income of the deceased as Rs.8,000/- and as regards the salary with regard to the milk vending business, there is no evidence from the claimants and therefore, same cannot be accepted.

6. As regards the compensation towards loss of future prospects, the deceased was aged 38 years at the time of his death and therefore, it has to be adopted @ **40%** as per the Judgment of Hon'ble Supreme Court in the case of **National Insurance Company Limited Vs. Pranay Sethi and others**¹ and thus, compensation is computed accordingly.

7. The learned counsel for the Insurance Company submits that the compensation awarded by the lower Court under various heads is not in accordance with the Judgment of Hon'ble Supreme Court in the case of **Pranay Sethi** (cited supra).

8. In the light of the above discussion, the compensation is modified as tabulated below:

Sl.No.	Head	Compensation awarded
1.	Income	Rs.8,000/- per month
2.	Future prospects @ 40%	Rs.3,200/- per month
3.	Deduction towards personal expenses	Rs.3,733/- i.e., 1/3 rd of Rs.11,200/-
4.	Total Income	Rs.7,467/- i.e., 2/3 rd of Rs.11,200/-
5.	Multiplier	15
6.	Loss of future income	Rs.13,44,060/- (Rs.7,467x12x15)

¹ (2017) 16 SCC 680

7.	Loss of Parental Consortium to the second petitioner	Rs.44,000/- (Rs.40,000 + 10%)
8.	Loss of Spousal Consortium to the first Petitioner	Rs.44,000/- (Rs.40,000 + 10%)
9.	Loss of Filial Consortium to third petitioner	Rs.44,000/- (Rs.40,000 + 10%)
10.	Funeral Expenses and	Rs.16,500/- (Rs.15,000 + 10%)
11.	Loss of Estate	Rs.16,500/- (Rs.15,000 + 10%)
	Total	Rs.15,09,060/-

9. Accordingly, the both Civil Miscellaneous Appeals are partly allowed enhancing the compensation amount from **Rs.14,49,500/-** to **Rs.15,09,060/-** with interest @ 7.5% per annum thereon from the date of claim petition to the date of payment.

10. In the result, the award dated 25.10.2016 in M.V.O.P.No.1757 of 2014 on the file of Motor Accident Claims Tribunal-cum-The Court of Chief Judge, City Civil Courts, Hyderabad, is modified by awarding a total compensation of Rs.15,09,060 (Rupees fifteen lakhs nine thousand and sixty only) with costs and interest @ 7.5 per annum thereon from the date of claim petition to the date of realization against the

respondent corporation. The respondent corporation is directed to deposit the compensation amount awarded within a period of 60 days from the date of receipt of a copy of this judgment after giving credit to the deposit of amount, if any, already made. On such deposit, the claimants are permitted to withdraw the same without furnishing any security as per the following shares:

Claimant No.1 (wife) : Rs.6,09,060/-

Claimant No.2 (son) : Rs.4,00,000/-.

Claimant No.3 (mother) : Rs.5,00,000/-.

11. The MACMA is accordingly partly allowed without costs.

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

JUSTICE P.MADHAVI DEVI

Dated: 01.07.2022
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MACMA.Nos.1043 of 2017 &
628 of 2017

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

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