

THE HONOURABLE SMT.JUSTICE P.MADHAVI DEVI

M.A.C.M.A.Nos. 2575 OF 2017 and 2789 OF 2017

COMMON ORDER:

The claimants are the appellants in M.A.C.M.A No.2789 of 2017, are also respondents No.1 and 2 in the appeal filed by the Corporation in M.A.C.M.A No.2575 of 2017. Both these appeals filed by the Claimants as well as the Corporation are against the award of the Tribunal in M.V.O.P.No.2020 of 2015, dated 09.05.2017 on the file of Motor Accident Claims Tribunal-cum-The Court of the Chief Judge, City Civil Court, Hyderabad.

2. The claimants, who are the parents of the deceased have sought compensation of Rs.20,00,000/- for the death of the deceased in the motor vehicle accident that occurred on 29.07.2015, who was 18 years of age and was a student of B.Sc.1st year, studying in Avanthi Degree College, Narayanguda, Hyderabad, at the time of death involving TSRTC bus. The Tribunal has adopted a possible monthly income of Rs.12,000/- by relying upon the Judgment of Andhra Pradesh High Court in the case of **B.Ramulamma and Others Vs. Venkatesh Bus Union and Another**¹. Thereafter, giving deductions towards the balance years of study of the deceased, the Tribunal has arrived at his monthly income as Rs.9,600/- and by applying the

¹ 2011 ACJ 1702

multiplier of 15 to the compensation, the annual income along with other amounts, was computed at Rs.9,89,000/-.

3. Learned counsel for the claimants submit that there is no compensation awarded for loss of future prospects and multiplier was wrongly adopted by taking the age of his mother which was shown as 40 years of age, but the deceased was 18 years of age.

4. The TSRTC is challenging the award on the ground that the monthly income cannot be taken @ Rs.12,000/-. The learned Standing counsel for the Corporation submits that except for filing of the receipt for payment of fee for the 1st year of B.Sc., no evidence has been filed in support of their contention that the deceased was studying B.Sc.1st year. He further submits that compensation should have been awarded at a lesser rate and further submits that the interest @ 9% per annum awarded by Tribunal is excessive and interest should be awarded at the rate prevailing at the relevant point of time.

5. Having regard to the rival contentions and the material on record, this Court finds that the only dispute is about the monthly income adopted by the Tribunal and while the claimants are seeking enhancement, the Corporation is seeking reduction. However, after going through the material on record,

this Court finds that the Tribunal has adopted reasonable gross monthly income @ **Rs.12,000/- to arrive at the net monthly income of the deceased at Rs.9,600/-**. However, as regards the multiplier, it is to be taken on the basis of the age of the deceased, but not on the basis of the age of his mother and accordingly 18 is to be adopted as the age of the deceased and the multiplier to be adopted is also 18 and thereafter, compensation towards loss of future prospects has to be awarded @ **40%** and accordingly compensation is modified.

6. Further, it is noticed that the compensation awarded under other heads is not in accordance with the judgment of the Hon'ble Supreme Court in the case of **National Insurance Company Limited Vs. Pranay Sethi and others**². Therefore, the compensation is modified accordingly as under:

7. Claimant Nos.1 and 2 being parents of the deceased are each entitled to filial consortium of Rs.40,000/- + 10% enhancement thereon and the compensation under each of the heads of loss of estate and funeral expenses is also granted @ Rs.15,000/- +10% enhancement thereon.

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

² (2017) 16 SCC 680

Sl.No.	Head	Compensation awarded
1.	Income (9,600x12)	Rs.1,15,200 per annum
2.	Future prospects @ 40%	Rs.46,080 per annum
3.	Deduction towards personal expenses	Rs.80,640 i.e., 50% of Rs.1,61,280/-
4.	Total Income	Rs.80,640 i.e., 50% of Rs.1,61,280/-
5.	Multiplier	18
6.	Loss of contribution to family	Rs.14,51,520/-
7.	Funeral Expenses	Rs.16,500/- (Rs.15,000 + 10% thereof)
8.	Loss of Estate	Rs.16,500/- (Rs.15,000 + 10% thereof)
9.	Loss of Filial Consortium	Rs.88,000/- (Rs.40,000+10% thereof payable to each of the claimants)
10.	Total compensation awarded	Rs.15,72,520/- along with interest @ 7.5% per annum from the date of filing of the claim petition till payment.

9. In the result, the award dated 09.05.2017 in M.V.O.P.No.2020 of 2017 on the file of Motor Accident Claims Tribunal-cum-Chief Judge, City Civil Courts, Hyderabad, is modified by awarding a total compensation of Rs.15,72,520 (Rupees fifteen lakhs seventy two thousand five hundred and twenty only) with costs and interest @ 7.5 per annum thereon from the date of claim petition to till the date of realization

against the respondent corporation. The respondent are directed to deposit the compensation amount 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 claimant is permitted to withdraw the same without furnishing any security as per the following shares:

Claimant No.1 (mother) : Rs.8,00,000/-

Claimant No.2 (father) : Rs.7,72,520/-

10. The Civil Miscellaneous Appeals are partly allowed without costs.

11. Miscellaneous petitions, if any, pending in these appeals, shall stand closed.

JUSTICE P.MADHAVI DEVI

Dated: 01.07.2022
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MACMA.Nos.2575 of 2017 &
2789 of 2017

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

M.A.C.M.A.Nos. 2575 OF 2017 and 2789 OF 2017

Dated: 01.07.2022

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