THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

M.A.C.M.A.No.4070 of 2008

JUDGMENT:

This appeal is preferred by the claimants aggrieved by the award and decree dated 01-02-2007 in O.P.No.1059 of 2004 on the file of the Motor Accident Claims Tribunal-cum-XXII Additional Chief Judge, Hyderabad.

2. Heard learned counsel for the appellants-claimants Mr. M. Srinivas and learned Standing Counsel for the respondent-Corporation Mr. T. Srinivas and perused the record.

3. The brief facts are that on 27-06-2006, while the deceased Gangadharappa was proceeding on foot near Hind Travels at Bagh Lingampally, Hyderabad, one RTC bus bearing No.AP-10Z-9784 driven by its driver in a rash and negligent manner and dashed against the deceased resulting his death on the spot. The deceased was aged about 28 years, working as Field Supervisor and earning a sum of Rs.4,000/-per month at the time of time of accident. The claimants have filed the said OP claiming compensation of Rs.6,00,000/- for the death of the deceased in the accident.

4. The respondent-Corporation has filed counter denying the manner of accident, rash and negligent driving of the driver of the crime vehicle and the death of the deceased. It is stated that the amount claimed is highly excessive.

5. The Tribunal on analyzing the oral and documentary evidence has granted compensation of Rs.2,10,000/- with interest at 7.5% per annum from the date of petition till the date of deposit or realization.

6. Learned counsel for the appellants-claimants submits that the husband of petitioner No.1 died in the accident and at the time of accident, the deceased was aged 28 years old and was earning an amount of Rs.4,000/- per month as Field Supervisor and the deceased had contributed his earnings for maintenance of the claimants. He submits that the Tribunal without considering the income of the deceased has taken notional income of Rs.15,000/- per annum and awarded meager compensation of Rs.2,10,000/-. He submits that as the deceased was working as Supervisor and even in the case of a daily labourer, as per the law laid down by the Apex Court in **Ramachandrappa v. Manager, Royal Sundaram Alliance Insurance Company Limited[1],** his monthly income has to be considered at Rs.4,500/-per month. He further submits that even for consortium also, very meager amount was awarded by the Tribunal.

7. Learned Standing Counsel for the respondent-Corporation submits that as on the date of accident, the deceased was aged 28 years and the multiplier that is applicable is ‘17’, but the Tribunal has applied multiplier at ‘18’. He submits that the Tribunal has erred in deducting 1/4th of the amount as the deceased is survived by four dependants. He further submits that as the compensation that is

[1] (2011) 13 SCC 236

granted by the Tribunal is excessive, the interference of this Court is not warranted.

8. In this factual backdrop, the point that arises for determination is whether the compensation awarded by the Tribunal to the claimants is just and proper.

9. The admitted facts are that the deceased was aged 28 years old as on the date of accident and as rightly pointed out by the learned Standing Counsel for the respondent Corporation that the multiplier that is applicable to the deceased is ‘17” instead of ‘18’ as applied by the Tribunal. As per the law laid down by the Apex Court in **Ramachandrappa’s** case and even as per the admission of the claimants that the deceased was earning an amount of Rs.4,000/-per month and if 40% of future aspects should be added, his monthly income comes to Rs.5,600/-, out of which 1/4th of the amount i.e., Rs.1400/- is deducted and thus it comes to Rs.4,200/-per month. If the multiplier ‘17’ is applied, the loss of dependency would come to Rs.4,200x12x17=8,56,800/-. Apart from that, towards spousal consortium to claimant No.1 an amount of Rs.44,000/-, parental consortium to claimant No.2 an amount of Rs.44,000/- and filial consortium to claimant Nos.3 and 4 an amount of Rs.44,000/-each is granted. For the loss of estate and funeral expenses an amount of Rs.33,000/- is granted. Thus, total, it comes to Rs.10,65,800/- is granted to the claimants for the death of the deceased.

10. In the light of the above discussion, the appellants-claimants are entitled for compensation under the following heads;

1. Loss of dependency
   (4000/-x40%-1/4th deduction=4200x12x17)- Rs.8,56,800/-
2. Spousal Consortium to claimant No.1 - Rs. 44,000/-
3. Parental Consortium to claimant No.2 - Rs. 44,000/-
4. Fililal consortium to claimant Nos.3&4-- Rs. 88,000/-
5. Loss of estate & Funeral expenses.0 -- Rs. 33,000/-

Rs.10,65,800/-

11. In the result, the Appeal is allowed enhancing the compensation awarded by the Tribunal from Rs.2,10,000/- to Rs.10,65,800/-.

(a) The enhanced compensation shall carry interest at 7.5% per annum from the date of petition till realization.

(b) The claimants shall pay the Court fee on the enhanced amount.

(c) The respondent Corporation shall deposit the compensation within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit and on payment of Court fee, the claimants are permitted to withdraw the entire compensation as per their respective shares as apportioned by the Tribunal without furnishing any security.

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

SMT LALITHA KANNEGANTI, J

25th January, 2023.

sj