IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 1555 OF 2007

Appeal filed under Section 173 of Motor Vehicles Act Aggrieved by the order and decree dated 26-03-2007 passed in O.P.No. 456 of 2005 on the file the of the Motor Accident Claims Tribunal –cum- District Judge at Karimnagar.

Between:

1. Thout Reddy @ Tavity Aravind Reddy, S/o late Venkat Reddy, R/o Habsiguda, Hyderabad. Now R/o 2-10-1142 Jyothinagar, Karimnagar
2. Thout Reddy @ Taviti Susheela Devi, W/o Late Anantha Ram Reddy, Occ: House hold, R/o Habsiguda, Hyderabad. Now R/o 2-10-1142 Jyothinagar, Karimnagar

...Appellants

AND

1. Indrajit Patel, S/o Buddasen Patel, Occ: Lorry Driver, NO. MP 17 C. 0393, R/o Janajuri Patka, Nagpur District. Maharashtra State.
2. Smt. Vimala Devil Singh, W/o Lal Hari Bahadur Singh, Occ: Owner of the Lorry No. MP C 0593 R/o Dando Village, Post Kherhat Khurd, Allahabad District, Uttar Pradesh
3. The Oriental Insurance Company Limited,, Rep. by its Branch Manager, Hotel Maharaja Complex, NH 7, Rewa , Madhya Pradesh State.

(Respondent No.1 is not necessary party to this appeal)

(R2 dismissed for default vide court order dated 3-7-2016)

...Respondents

Counsel for the Appellant: Sri Sampath Prabhakar Reddy

Counsel for the Respondent No.3: Sri Ravi Shankar Jandhyala

The Court delivered the following: JUDGMENT

THE HONOURABLE SRI JUSTICE K.SURENDER

M.A.C.M.A.No.1555 of 2007

JUDGMENT:

Aggrieved by the award dated 26.03.2007 in O.P. No.456 of 2005 passed by the learned V Additional District Judge-cum-the Chairman, Motor Vehicle Accidents Claims Tribunal, Karimnagar, the appellants have filed this appeal for enhancement of the compensation amount.

2. Heard Sri Sampath Prabhakar Reddy, learned counsel for the appellants and Sri Ravi Shankar Jandhyala, learned counsel appearing for respondents and perused the entire material on record.

3. The appellants before the Tribunal are the son and mother of the deceased. According to them, on 26.12.2004, while the deceased and his wife were travelling on motor cycle from Hyderabad to Valigonda, when they reached the outskirts of Mandapuram Village, a lorry came from Valigonda towards Bhonagir in opposite, which was driven by respondent No.1 in rash and negligent manner and hit the motor cycle and both of them died on the spot.

4. The tribunal considered the income of the deceased as Rs.6,000/-, when it was stated that he used to get consolidated pay of Rs.8,500/-. The tribunal had considered the reduction of Rs.2,500/- towards PF and insurance. Further multiplier 4 was adopted though as per the judgment of the Apex Court in "***Sarla Verma vs. Delhi Transport Corporation***[1]," multiplier 11 has to be adopted for age from 51 to 55 years.

5. Though the salary certificate was produced, the tribunal had erred in considering the salary of the deceased as Rs.6,000/-, when it was specific case of the appellants that deceased was earning Rs.8,500/-. However, taking into consideration that there would be deductions, this Court deems it appropriate to consider the income of the deceased as Rs.7,000/- per month and as the age of the deceased was 54 years, appropriate multiplier would be 11. Thus, loss of dependency comes to Rs.9,24,000/- (Rs.7,000/-x12x11 multiplier). As the dependants are two members, 1/3rd of the income shall be deducted towards personal expenditure of the deceased. Thus, the annual contribution of the deceased to the petitioners would be of Rs.6,16,000/- (Rs.9,24,000-Rs.3,08,000)

[1](2009)6 SCC 121

and the tribunal has granted an amount of Rs.2,000/- is granted towards funeral expenses, accordingly, the claimants are granted total compensation amount of Rs.6,18,000/- (Rs.6,16,000+ Rs.2,000).

6. In the result, the M.A.C.M.A is allowed enhancing the compensation amount granted by the Tribunal from Rs.1,94,000/- to Rs.6,18,000/-(Rupees Six Lakhs Eighteen Thousand only) with interest at the rate of 7.5 percent per annum from the date of petition till the date of realization to be payable by the respondents Nos.2 and 3 jointly and severally within a period of one(1) month from the date of receipt of a copy of this order. On such deposit of the amount, the claimants are entitled to withdraw the same.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Motor Accident Claims Tribunal –cum- District Judge at Karimnagar (with records, if any)
2. One CC to Sri Sampath Prabhakar Reddy, Advocate [OPUC]
3. One CC to Sri. Ravi Shankar Jandhyala, Advocate [OPUC]
4. Two CD Copies

CHR

PSR

HIGH COURT

DATED: 2 1/02/2024



JUDGMENT

MACMA.No.1555 of 2007

ALLOWING THE MACMA

(b) CHR 8/4/24

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

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...Respondents

Appeal filed under Section 173 of Motor Vehicles Act Aggrieved by the order and decree dated 26-03-2007 passed in O.P.No. 456 of 2005 on the file the of the Motor Accident Claims Tribunal –cum- District Judge at Karimnagar.

ORDER: This Appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Lower Court and the material papers in the case and upon hearing the arguments of Sri Sampath Prabhakar Reddy, Advocate for the Appellant and of Sri Ravi Shankar Jandhyala, Advocate for the Respondent No.3

This Court doth Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeal be and hereby is allowed enhancing the compensation amount granted by the Tribunal from Rs.1,94,000/- to Rs.6,18,000/- (Rupees Six Lakhs Eighteen Thousand only) with interest at the rate of 7.5% percent per annum from the date of petition till the date of realization to be payable by the Respondents No.2 and 3 jointly and severally within a period of one(1) month from the date of receipt of a copy of this order;
2. That on such deposit of the amount, the claimants be and hereby are entitled to withdraw the same;
3. That save as aforesaid, the decree of the Lower Court shall stands confirmed in all other aspects; and
4. That there shall be no order as to costs in this appeal.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Motor Accident Claims Tribunal –cum- District Judge at Karimnagar (with records, if any)
2. Two CD Copies

PSR CHR

HIGH COURT

DATED: 21/02/2024

DECREE

MACMA.No.1555 of 2007

ALLOWING THE MACMA