HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE: M.A.C.M.A. No.362 of 2019

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
08.	13.04.2026	**CVBR,J** **I.A.No.1 of 2026** This application is filed by the petitioners seeking to rectify arithmetical errors that occurred in the calculation of compensation amount in the judgment dated 10.02.2026 passed in M.A.C.M.A. No.362 of 2019. This Court, *vide* judgment dated 10.02.2026, allowed the appeal filed by the appellants/claimants, wherein the compensation was enhanced from Rs.8,00,000/- to Rs.10,38,000/-. It is submitted by the learned counsel for the petitioners that while this Court correctly fixed the monthly notional income at Rs.8,500/-, added 40% future prospects resulting in an annual income of Rs.1,42,800/-, and applied the multiplier of "18," a clerical error occurred in the final calculation of the loss of dependency. Upon applying the multiplier of "18" and deducting $1/3^{rd}$ towards personal expenses, the loss of dependency comes to Rs.17,13,600/- (Rs.1,42,800 x 18 x $2/3^{rd}$), instead of Rs.8,56,800/- as recorded in the judgment. In view of the above, this application is allowed and Paras 4 and 5 of the judgment dated 10.02.2026 passed by this Court in M.A.C.M.A.No.362 of 2019 are	

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		modified and ordered as follows: “4. As seen from the material placed on record, the deceased was working as video and photographer under the name and style “Anjana Creations” and earning Rs.7,000/- per month along with Rs.50/- per day as batta and P.W.3-employer of the deceased supported the said claim and Ex.A.7–Salary Certificate was marked. However, the Tribunal restricted his income to Rs.6,000/- per month. Further, the Tribunal, relying on Exs.A.1, A.2, A.4 and A.5, assessed the age of the deceased as 23 years, applied the multiplier of “18” as per the principles laid down by the Hon’ble Supreme Court in the case of ***Sarla Verma v. Delhi Transport Corporation***[1], and after deducting 1/3rd towards personal expenses as there were three dependents, awarded Rs.8,64,000/- towards loss of dependency, Rs.25,000/- towards funeral expenses and Rs.1,00,000/- towards pain and suffering, totaling Rs.9,89,000/-, but restricted the compensation to Rs.8,00,000/- as claimed by the claimants. Considering the avocation of the deceased at the time of accident and the cost of living, this Court finds it reasonable to fix the monthly notional income of the deceased at Rs.8,500/-. Adding 40% future prospects as per the principles laid down by the Hon’ble Supreme Court in the case of in ***National Insurance Co. Ltd. v. Pranay Sethi***[2], the monthly income comes to Rs.11,900/- and the annual income would be Rs.1,42,800/-. After applying the multiplier “18” and deducting 1/3rd towards personal expenses, the amount under the head loss of dependency comes to Rs.17,13,600/-. In addition to that, in view of the law laid down by the Hon’ble Apex Court in ***Pranay Sethi***’s case (supra), the appellants-claimants are entitled to Rs.91,000/-	

[1](2009) 6 SCC 121
[2](2017) 16 SCC 680

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		(Rs.70,000/- + 10% enhancement for every three years) under the conventional heads. Thus the appellants/ claimants are entitled to total compensation of Rs.18,04,600/- (Rs.17,13,600 + Rs.91,000). At this stage, learned Standing Counsel for Insurance Company contended that the appellants-claimants had sought only Rs.8,00,000/- and therefore compensation cannot exceed the amount claimed. However, in view of the judgments of the Hon'ble Supreme Court in ***Laxman @ Laxman Mourya Vs. Divisional Manager, Oriental Insurance Company Limited and another***[3] and ***Nagappa Vs. Gurudayal Singh***[4], and considering that the Motor Vehicles Act is a beneficial legislation intended to ensure just and fair compensation, the Courts are empowered to award compensation in excess of the amount claimed. Hence, the appellants-claimants are entitled to the higher compensation. 5. In the result, this appeal is allowed and the compensation awarded by the Tribunal is enhanced from Rs.8,00,000/- to Rs.18,04,600/- with interest @ 7.5% per annum from the date of claim petition till the date of realization. The appellants-claimants are directed to pay deficit court fee on the enhanced amount of the compensation. The remaining terms and conditions imposed by the Tribunal shall stand unaltered. No order as to costs." **CVBR,J** Note: Registry is directed to issue corrected copy of the order to the parties. (b/o) BW	

[3] (2011) 10 SCC 756
[4] 2003 ACJ 12 (SC)