(2022) 07 TEL CK 0060

In the Telangana High Court

Case No : Motor Accident Civil Miscllaneous Appeal No. 2657 Of 2018

Managing Director — APPELLANT

Vs

Goda Ram Bai — RESPONDENT

Date of Decision : 28-07-2022

Acts Referred:
Motor Vehicles Act, 1988 — Section 166

Citation : (2022) 07 TEL CK 0060

Hon'ble Judges : G. Anupama Chakravarthy, J

Bench : Single Bench

Advocate : A Ravi Babu, Balla Ravindranath Savithri Devi

Final Decision : Disposed Of

Judgement

1. The appeal is arising out of the order dated 06.06.2017, in MVOP.No.56 of 2014 on the file of Motor Accident Claims Tribunal-cum-V Additional District and Sessions Judge, Adilabad. For the sake of convenience, the parties are arrayed as in the OP.

2. The appeal is filed by the RTC, who is the sole respondent in the O.P. The O.P. is filed by the claimants before the Tribunal under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.6,00,000/- with costs and interest for the death of the deceased G.Shyam Rao in the accident that occurred on 31.03.2005 at 6.10 a.m. The petitioners in the O.P. are the children of the deceased.

3. It is the case of the claimants that the deceased used to earn Rs.10,000/- per month as a coolie and he was aged about 42 years at the time of the accident and due to the death of the deceased, the petitioners are deprived of their financial assistance, love and affection, care and guidance of the deceased and therefore, they are entitled for the compensation.

4. The Tribunal, after considering the oral and documentary evidence on record, has come to a conclusion that the petitioners are entitled for a compensation of

Rs.6,80,200/-.

5. Heard learned counsel for both the parties and perused the record.

6. The appeal is filed, only disputing the quantum of compensation granted to the claimants and not of the liability, and therefore, the appreciation would be only on the said aspect.

7. It is contended by the learned counsel for the appellant-RTC that the Tribunal have wrongly taken the future prospects of the deceased as 30% instead of 25% and prayed to grant compensation under the appropriate heads by setting aside the orders of the Tribunal.

8. On the other hand, the learned counsel for the claimants contended that the Tribunal has not awarded compensation under the conventional heads and therefore, seeks to modify the orders of the Tribunal.

9. On perusal of the order of the Tribunal, it is evident that the Tribunal has awarded the following amounts under different heads;

1.

Loss of dependency

Rs.6,55,200/-

2.

Funeral expenses

Rs.25,000/-

TOTAL

Rs.6,80,200/-

10. It is the finding of the Tribunal that there is no evidence on record as to the avocation or age of the deceased, but considering Exs.A-3 and A-4, the age of the deceased was taken as 42 years and the income of the deceased was fixed as Rs.150/- per day as a Coolie. Even as per the proposition laid down in Ramachandrappa v. Royal Sundaram Alliance Insurance Co. Ltd. (2011) 13 SCC 236, the notional income of the deceased can be taken as Rs.4,500/- per month even in the absence of evidence.

11. As per the judgment of Hon’ble Supreme Court in Smt.Sarla Verma v. Delhi Transport Corporation & another (2009) 6 SCC 121, the multiplier applicable is ‘14’ for the age group of 41 to 45 years. The annual income of the deceased is Rs.54,000/- (Rs.4,500 X 12). If future prospects of 25% are added, it would come to Rs.67,500/- (Rs.54,000 + Rs.13,500). The number of claimants in this case are three, and 1/3rd is to be deducted towards personal expenses of deceased, and thus, his contribution to the family would come to Rs.45,000/- (Rs.67,500 – 22,500). If multiplier ‘14’ is applied, loss of dependency would

come to Rs.6,30,000/-(Rs.45,000 X 14).

12. Thus, the claimants are entitled to compensation under the following heads;

1.

Loss of dependency

Rs.6,30,000/-

2.

Funeral expenses

Rs.15,000/-

3.

Consortium (Rs.40,000/- each for 3 claimants).

Rs.1,20,000/-

4.

Loss of estate

Rs.15,000/-

TOTAL

Rs.7,80,000/-

13. Accordingly, the appeal is disposed of granting compensation to the claimants to a tune of Rs.7,80,000/- with costs and interest @ 7.5% per annum from the date of petition till the date of realization, payable by the appellant (RTC) within two months from the date of receipt of this order. All the claimants are permitted to withdraw their respective shares along with costs and interest, as the accident had occurred in the year 2005.

Pending miscellaneous applications, if any, shall stand closed.

