
(2023) 02 TEL CK 0027

In the Telangana High Court

Case No : Motor Accident Civil Miscellaneous Appeal No. 3130 Of 2016

Reliance General Insurance Co. Ltd.

APPELLANT

Vs

Islavath Nagamani And Others

RESPONDENT

Date of Decision : 07-02-2023

Acts Referred:

Citation : (2023) 02 TEL CK 0027

Hon'ble Judges : Namavarapu Rajeshwar Rao, J

Bench : Single Bench

Advocate : T. Mahender Rao, Akkam Eshwar

Final Decision : Disposed Of

Judgement

1. Heard learned Counsel for the appellant/ Insurance Company and learned counsel for the respondents/petitioners.
2. Aggrieved by the Order and decree dt.12.05.2016 in M.V.O.P No.345 of 2011 passed by the Chairman, Motor Accidents Claims Tribunal-Cum-I Additional Chief Judge, City Civil Court, Secunderabad (for short "the Tribunal"), the Insurance Company preferred the present appeal seeking to set aside the above order and decree.
3. Vide the aforesaid order, the Tribunal has awarded an amount of Rs.25,00,000/- as claimed by the respondents/petitioners with costs and interest @7.5% per annum from the date of petition till the date of deposit.
4. The only contention of the learned Counsel for the appellant is with regard to the quantum awarded by the Tribunal under various heads. In support of his contention, he relied upon the judgment of the Apex Court in Pranay Sethi 2017 (16) SCC 680 and contended that the amount awarded under the heads consortium, funeral expenses and the percentage of future prospects are excessive and prayed to set aside the order of the Tribunal. On the other hand, learned Counsel for the respondents/claimants contended that the Tribunal has

rightly awarded the compensation and there is no need to interfere with the order passed by the Tribunal.

5. In view of the above submissions made by both Counsels, this Court is inclined to award the amounts as per the principles laid down by the Hon'ble Apex Court as below:

Sl.No.

Head

Compensation awarded

1.

Income

Rs.11,713/- per month

2

Future Prospects

Rs.4,685/- per month @ 40% of the original income

Total : Rs.11,713 + 4,685/- =

Rs.16,398/- (Rounded off to Rs.16,400/-)

3.

Annual income

Rs.1,96,800/- (Rs.16,400x12)

4.

Deductions towards personal expenses

Rs.1,47,600/- (Rs.1,96,800/- minus 1/4th as the dependants are four in number.

5.

Loss of dependency

Rs.22,14,000/- (Rs.1,47,600/- x 15)

6.

Multiplier

15

7.

Loss of Spousal consortium –

2017 (16) SCC 680.

Rs.44,000/- (Rs.40,000/- + 10% thereof) (modified)

8.

Loss of parental and minor children consortium – Magma General Insurance Co.Ltd Vs.Nanu Ram Alias Chuhru Ram – 2018 Law Suit (SC) 904

Rs.80,000/- (Rs.40,000/-) Each respondents No.2 and 3 (modified)

9.

Funeral expenses

Rs.16,500/- (Rs.15,000/- + 10% thereof) (modified)

10.

Loss of Estate

Rs.16,500/- (Rs.15,000/- + 10% thereof) awarded

Total

Rs.23,71,000/-

6. Accordingly the awarded compensation amount is reduced from Rs.25,00,000/- to Rs.23,71,000/- (Rupees Twenty three Lakh, seventy one thousand only) with interest at the rate of 7.5% p.a.

7. In the result, the appeal is disposed of by modifying the compensation from Rs.25,00,000/- to Rs.23,71,000/-(Rupees Twenty three Lakh, seventy one thousand only) with interest at the rate of 7.5% p.a. from the date of petition till the date of realization. The compensation amount shall be apportioned among the respondents/claimants in the same proportion as directed to be apportioned by the Tribunal. The appellant is directed to deposit the above said amount with interest and costs after deducting the amount, if any, deposited earlier within one month from the date of receipt of the certified copy of this judgment. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in this appeal, shall stand closed.