

**\*THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO****+ M.A.C.M.A. No.3130 OF 2016**

% 07-02-2023

# Reliance General Insurance Co. Ltd.,

....Appellant/Respondent No.2

Vs.

\$ Islavath Nagamani and others

.... Respondents/Petitioners

!Counsel for the petitioner : T. Mahender Rao

Counsel for the Respondents : Akkam Eshwar

<Gist :

>Head Note:

? Cases referred:

1. 2017(16) SCC 680

IN THE HIGH COURT FOR THE STATE OF TELANGANA

HYDERABAD

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M.A.C.M.A. No. 3130 OF 2016

Between:

Reliance General Insurance Co. Ltd.,

....Appellant/Respondent No.2

Vs.

Islavath Nagamani and others

.... Respondents/Petitioners

**ORDER PRONOUNCED ON: 07.02.2023**

**THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

1. Whether Reporters of Local newspapers  
may be allowed to see the Judgments? : Yes
2. Whether the copies of judgment may be  
Marked to Law Reporters/Journals? : Yes
3. Whether His Lordship wishes to  
see the fair copy of the Judgment? : Yes

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**NAMAVARAPU RAJESHWAR RAO, J**

**THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO****MACMA No. 3130 OF 2016****JUDGMENT:**

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**<sup>1</sup> 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 1/4 <sup>th</sup> as the dependants are four in number.
5.	Loss of dependency	<b>Rs.22,14,000/-</b> (Rs.1,47,600/- x 15)

<sup>1</sup> 2017 (16) SCC 680.

6.	Multiplier	15
7.	Loss of Spousal consortium – 2017 (16) SCC 680.	<b>Rs.44,000/-</b> (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	<b>Rs.80,000/-</b> (Rs.40,000/-) Each respondents No.2 and 3 (modified)
9.	Funeral expenses	<b>Rs.16,500/-</b> (Rs.15,000/- + 10% thereof) (modified)
10.	Loss of Estate	<b>Rs.16,500/-</b> (Rs.15,000/- + 10% thereof ) awarded
	<b>Total</b>	<b>Rs.23,71,000/-</b>

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.

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**NAMAVARAPU RAJESHWAR RAO, J**

***7<sup>th</sup> day of February, 2023***

BDR