

**SUPREME COURT OF INDIA**

Poddutoori Lalita Devi

Vs.

APSRTC, Rep.By M.D.

C.A.No.8432 of 2009

(Dalveer Bhandari and A.K. Patnaik JJ.)

17.12.2009

**ORDER**

Leave granted.

1. Heard the learned counsel appearing on behalf of the parties.
2. This appeal is directed against the judgment and order dated 26.3.2008 passed by the High Court of Judicature, Andhra Pradesh at Hyderabad in Civil Misc.

Appeal No.2594/2002.

3. Brief facts which are necessary for disposal of this appeal are recapitulated as under:

“Poddutoori Ram Reddy son of Limba Reddy of Nizamabad District was killed in a motor accident which took place on 27.5.1999 at 11.20 a.m. near Nizamabad-Nagpur-Hyderabad Chowrasta on National Highway No.7, at a distance of about 1= Kms. towards East from the Police Station Dichpally, District Nizamabad. On the date of the accident, the age of the deceased was 48 years. His annual income after deduction of personal expenses, was computed at Rs.84,000/-.”

4. The Motor Accidents Claims Tribunal applied the multiplier of 13 and awarded a total compensation Rs.10,92,000/-. In addition to this amount, the appellants were granted Rs.15,000/- towards the loss of estate and Rs.2,500/- towards funeral expenses. An amount of Rs.15,000/- was granted as loss of consortium. Thus, according to the Tribunal, the appellants were entitled to a total compensation of Rs.11,24,500/-.
5. The High Court in appeal, changed the multiplier from 13 to 10. Consequently, the the total amount of compensation was reduced to Rs. 7,10,000/-. However, the High Court awarded the interest at the rate of 7.5% per annum from the date of the petition till the date of payment.

6. Learned counsel for the appellants has drawn our attention to the Second Schedule appended to the *Motor Vehicles Act, 1988*. According to the said schedule, for the age 48 years, the multiplier of 13 has been prescribed as was rightly applied by the Tribunal.

7. Therefore, in our considered view, the multiplier of 13 ought to have been applied for computing the amount of compensation as has been correctly applied by the Tribunal.

8. In the facts and circumstances of this case, the impugned judgment of the High Court is set aside and the order passed by the Motor Accident Claims Tribunal is restored. However, the appellants would be entitled to interest on the awarded amount, at the rate of 7.5% per annum from the date of the petition till the date of the payment.

The appeal is allowed and disposed of accordingly.