

THE HONOURABLE DR. JUSTICE B.SIVA SANKARA RAO

MACMA No.3561 OF 2009

JUDGMENT

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The 2nd respondent among two respondents i.e. owner and Insurer of the claim petition O.P.No.298 of 2007 on the file of the learned Chairman of the Motor Accidents Claims Tribunal–cum-IV Addl. Metropolitan Sessions Judge-cum-XVIII Addl. Chief Judge, Hyderabad (*for short, 'Tribunal'*), filed under Section 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*), by 4 claimants-wife, two minor children and mother of the deceased Kista Goud, aged about 48 years died in the accident dated 17.12.2006, for compensation of Rs.6,00,000/- since awarded Rs.4,48,000/- with interest at 7.5%, preferred this appeal impugning the same as the tribunal erroneously awarded excessive sum as compensation to the claimants though the employment and income of the deceased was not proved.

2. Heard the learned counsel for the appellant vis a vis the respondents 1 to 4 –claimants of whom 4th respondent pending appeal died and others are already on record and the owner-5th respondent remained exparte before the tribunal failed to attend though served and perused the material on record.

3. The main contention in the grounds of appeal is the impugning the quantum as excessive. The deceased is undisputedly proved 48 years and the accident is in the end of December, 2006 even as per

Latha Wadhwa vs. State of Bihar ^[1] a minimum of Rs.3,000/- to be taken and taken Rs.600/- as escalation from the date of the accident that is of Rs.3,600/-p.m. x 12 x 13 =x3/4th as 1/4th to be deducted for the 4 claimants and added Rs. 1,00,000/- towards loss of consortium, Rs.25,000/- towards funeral expenses, Rs.10,000/- towards loss of estate and Rs.10,000/- towards care and guidance to minor children and Rs.20,000/- = Rs.1,55,000/- as per **Rajesh**, when that is so, what the tribunal awarded is no way excessive but low but for no cross-objections.

4. In the result, the appeal is dismissed with no costs. Consequently, miscellaneous petitions, if any, pending in this appeal shall stand closed.

Dr. JUSTICE B. SIVA SANKARA RAO

Dt.23.11.2015.
VVR

[\[1\]](#) (2001) 8 SCC 197=AIR 2001 (SC) 3218