

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.300 of 2005

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JUDGMENT:

This appeal is preferred by the Insurance Company which was the third respondent in M.V.O.P.No.446 of 1999 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Khammam.

The first respondent herein, who was the claimant before the Tribunal, filed the claim petition claiming compensation of Rs.2,50,000/- for the injuries sustained by him in an accident that occurred on 15.10.1998. On that day the claimant along with his son was proceeding towards 3 Incline from his house to bring mutton and when they reached the mutton shop, one lorry bearing registration No.AP 16 U 4619 driven by the first respondent in the claim petition, came in a high speed in a rash and negligent manner and hit the claimant from behind, due to which he fell down and received grievous injuries to his right foot.

The Tribunal, on evidence, held that the accident occurred due to rash and negligent driving of the lorry by its driver. The claimant was employed in Singareni Collieries Company Limited and he was aged about 52 years. Taking the disability of 25% and applying the multiplier 11, the loss of future earnings was assessed at Rs.1,49,160/- An amount of Rs.4,500/- was awarded towards pain and suffering apart from granting the equal amount for extra nourishment, attendant charges and transportation. An amount of Rs.22,600/- was awarded for loss of past earnings for five months. In all, an amount of Rs.1,80,760/- was awarded by award dated 13.07.2004 with future interest at 9% per annum from the date of petition till the date of realization. Challenging the said award, the present appeal is filed by the Insurance Company on the lone ground that the multiplier of 11 was not correct and 4.27 should have been taken as per

Bhagawan Das v. Mohd.Arif.

In view of the subsequent judgment in **Smt.Sarla Verma v. Delhi Transport Corporation**, the application of multiplier of 11 is proper in the facts and circumstances of the case and, hence, the award passed by the Tribunal cannot be held to be excessive.

The appeal, accordingly, fails and is dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.11.2015

vs

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