

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A.No. 1757 OF 2005

JUDGMENT:

The respondent in O.P.No.694 of 2001 filed the present appeal, challenging the award made by the Motor Accident Claims Tribunal, Nellore.

2. The respondent filed O.P.No.694 of 2001 claiming a compensation of Rs.6,40,000/- for the death of her husband in a motor accident that occurred on 13.04.2001 at about 10.00 p.m. on G.N.T. road, opposite to petrol bunk, near Balaji Steels, Chemudugunta Village, Nellore. The deceased was aged about 40 years at the time of accident and was earning Rs.4,000/- p.m. as Cashier in Pinakini Steels Private Limited, Nellore. The claimant examined herself as P.W.1, besides examining a colleague of the deceased as P.W.2, the Manager of Pinakini Steels Private Limited, Nellore, as P.W.3 and the Office Executive of the hospital as P.W.4. Exs.A.1 to A.4 were filed.

3. The Tribunal on evidence held that the accident occurred due to rash and negligent driving of the APSRTC bus bearing No.AP 10Z 3323. In view of the evidence of P.Ws.1 to 4, the loss of dependency was worked out at Rs.4,57,912/- on the basis of the salary of the deceased as Cashier. The total compensation awarded is as follows:

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| a) Loss of dependency | Rs.4,57,912-00 |
| b) Loss of estate comprising of loss of expectation of life, pain and suffering and loss of amenities to the petitioner. | Rs. 15,000-00 |
| c) Loss of consortium to the petitioner. | Rs. 10,000-00 |

d) Medical expenses	Rs.1,59,831-24
e) Funeral expenses	Rs. 2,000-00

Total	Rs.6,44,743-24

4. The learned counsel appearing for the appellant submits that there is no evidence to show that the deceased was earning Rs.4,000/- p.m. as Cashier on the date of the accident and the interest awarded was also on higher side.

5. With regard to the first point relating to the salary of the deceased, Ex.A.3 salary certificate was produced and P.W.3 vouchsafed the same and the Tribunal accepted the evidence, both oral and documentary. This Court cannot re-appreciate the said evidence with regard to the salary of the deceased. In fact, in view of the recent trend of the decisions of the Supreme Court, the salary of the deceased should be enhanced by 50% for calculating the loss of dependency. Hence, I do not see any ground with regard to the calculation made by the Tribunal for the loss of dependency. Similarly, the interest at 9% p.a. granted by the Tribunal cannot be found fault, as the Supreme Court was awarding interest at the same rate in many cases.

6. In view of the above, the M.A.C.M.A. fails and is accordingly dismissed. Consequently, miscellaneous petitions, if any, pending in the appeal shall stand dismissed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

18th November, 2015
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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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