

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A.No. 1752 OF 2005

JUDGMENT:

This appeal is filed by the Insurance Company which was arrayed as respondent No.2 in O.P.No.1128 of 2002. The respondents 2 and 3 herein filed O.P.No.1128 of 2002 on the file of the Principal Motor Accident Claims Tribunal-cum-District Judge, Nalgonda, claiming a compensation of Rs.2,00,000/- for the death of their son E. Venkanna in a motor accident that occurred on 08.07.2002 on the outskirts of Pullemla Village. According to them, when their son along with others was traveling in an Auto bearing No.AP 24U 4566 from Kalwakuntla to Angadipeta and when the auto reached the outskirts of Pullemla Village, its driver drove it in a rash and negligent manner at high speed and lost control, due to which, it turned turtle causing injuries to the passengers. The deceased was working as cleaner in a lorry and was earning Rs.3,000/- per month. The Tribunal held that the accident occurred due to rash and negligent driving of the driver of the auto and noticed that the deceased was aged about 19 years at the time of accident. The minimum wages for a cleaner fixed by the Government by G.O.Ms.No.30 dated 27.07.2000 was taken into consideration, and deducting 1/3rd thereof towards personal expenses and applying multiplier of "16", the Tribunal arrived at a compensation of Rs.2,56,353/- along with interest at 9% p.a.

2. The learned counsel for the appellant submitted that the deduction in the case of an un-married person should be half of the income, and instead of the same, the Tribunal has deducted only 1/3rd of the income, which is erroneous. The learned counsel did not canvass any other point. However, as per the recent judgments

of the Supreme Court, even if there is no fixed income in the case of employees, 30% enhancement on the monthly income has to be granted, and if that fact is taken into consideration, the point raised by the learned counsel for the appellant does not stand to scrutiny, and the amount that is arrived can be called as just compensation in the facts and circumstances of the case. In view of the same, this Court is not inclined to allow the appeal.

3. Accordingly, the M.A.C.M.A. is 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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