

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1728 of 2005

JUDGMENT:

This appeal is preferred by the Insurance Company, who was the second respondent in O.P.No.14 of 2002 on the file of the Motor Accident Claims Tribunal, Hindupur.

Respondent Nos.1 to 7 herein filed the above petition seeking compensation of Rs.3,00,000/- for the death of one

Sri Vali Badshah @ Syed Sadiqvali, who was working as a driver in the vehicle bearing No.ABA 6619 belonging to the first respondent before the Tribunal. The accident took place on 16.09.2000 due to the lorry turning turtle. In the said accident the deceased died instantaneously. The Tribunal took the monthly salary of the deceased as Rs.2,000/- and calculated the loss of earnings by taking the multiplier of 10, though it noticed that as per the ratio in **Bhagawan Das v. Mohd.Arif**, the relevant multiplier for the age of 45 years is 10.45. Accordingly, it came to the conclusion that the total amount was Rs.2,40,000/-. A sum of Rs.10,000/- was awarded towards consortium. Thus, a total amount of Rs.2,50,000/- was awarded with 6% interest.

In the present appeal filed by the Insurance Company challenging the said amount on the ground that no deduction was made from the total amount of annual contribution, this Court noticed that the proper multiplier was not taken into consideration and in view of the subsequent decision in **Smt.Sarla Verma v. Delhi Transport Corporation**, the compensation amount can be justified. In view of the same, this Court feels that the award of compensation by the Motor Accident Claims Tribunal – cum – Additional District Judge, Hindupur, in O.P.No.14 of 2002, dated 19.04.2004, does not warrant any interference.

The appeal is, accordingly, dismissed. The miscellaneous petitions pending, if

any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

04.11.2015

vs

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