

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.692 of 2005

JUDGMENT:

This appeal is preferred by the respondent in O.P.No.595 of 2001 on the file of the Motor Vehicles Accidents Claims Tribunal – cum – II Additional District Judge, Cuddapah at Proddatur.

The said petition was filed by the wife of the deceased claiming a compensation of Rs.2,50,000/- for the death of her husband that occurred on 08.12.1999 at 6.00 am due to rash and negligent driving of the APSRTC bus bearing registration No.AP 10Z 2299 by its driver. The Tribunal, on evidence, held that the accident occurred due to rash and negligent driving of the driver of the APSRTC bus bearing No.AP 10Z 2299. The Tribunal awarded an amount of Rs.2,47,000/- with interest at 9% per annum under the following heads:

Compensation towards loss of total

Dependency and loss of estate .. Rs.2,40,000.00

Compensation towards consortium .. Rs. 5,000.00

Compensation towards funeral

expenses .. Rs. 2,000.00

Rs.2,47,000.00

The Tribunal has taken the multiplier of 15, as Ex.A3 – post mortem certificate of the deceased, showed that he was aged about 45 years. Challenging the award of the said amount, the present appeal is filed by the respondent in O.P.No.595 of 2001.

Learned Counsel for the appellant submits that, for a person aged about 45 years, the proper multiplier is 14 and the Tribunal should not have calculated the loss of compensation by applying the multiplier of 15.

The Tribunal noticed that there was no evidence to show with regard to the occupation of the deceased, though it was claimed that he was doing business in steel and silver. The Tribunal estimated the monthly income at Rs.2,000/- and deducted 1/3rd for personal expenses. By applying the multiplier of 15, an amount of Rs.2,40,000/- was awarded. Apart from the said amount, an amount of Rs.5,000/- was awarded towards loss of consortium and an amount of Rs.2,000/- towards funeral expenses.

In view of the subsequent decision of the Supreme Court in **Rajesh v. Rajbir Singh** and other decisions, it cannot be held that the award of compensation is on a higher side, and this Court finds no point for allowing the appeal.

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)

18.11.2015

vs

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