

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

**MACMA MP No.4825 OF 2011**

**IN/AND**

**MACMA No.2558 OF 2015**

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**ORDER:**

This appeal is filed challenging the order dated 07.04.2011 in O.P.No.151 of 2010 on the file of Motor Accidents Claims Tribunal-cum-Additional District Judge-cum-Judge, Family Court, Guntur.

**2.** MACMA.M.P.No.4825 of 2011 is filed under Section 5 of the Limitation Act, 1963 to condone the delay of (75) days in filing the appeal.

**3.** Heard the learned counsel for the petitioners/appellants and the 2<sup>nd</sup> respondent/insurer. The 1<sup>st</sup> respondent, owner of car bearing No.AP 16 TV 7693 remained exparte before the tribunal and even impleaded as party to the un-numbered appeal and delay condonation petition and even dismissed for default, vide **Meka Chakra Rao vs Yelubandi Babu Rao @ Reddemma**<sup>[1]</sup>, it no way comes to maintainability of the appeal and the same is recorded. For the reasons stated in the affidavit filed in support of the petition, the delay of 75 days in filing the appeal is condoned.

**4.** At the request of both the parties, while allowing the delay condonation application and directing the Registry to number the appeal if other wise an order; taken

up the appeal for final hearing. Heard and perused the material on record.

5. The above said O.P. was filed under Section 163-A of the Motor Vehicles Act, claiming compensation of Rs.2,00,000/- for the death of the father of claimants 1 and 2, who was aged about 60 years. The claimants are major sons, no way dependants on the deceased, the tribunal by its award dated 07.04.2011 awarded only Rs.50,000/- with interest at 6% p.a. Impugning the said quantum and rate of interest, the appeal is filed with contentions to allow the appeal as prayed for.

6. The multiplier applicable for a person aged 60 years as per Schedule-II of the Motor Vehicles Act is '8'. As per the expression of **Kishan Gopal Vs Lala**<sup>[2]</sup>, the minimum earnings of the deceased can be taken at Rs.3,000/- p.m. If 1/3<sup>rd</sup> is deducted towards personal expenses of the deceased, it comes to Rs.2,000/- and loss of dependency comes at Rs.2,000/-x12x8=Rs.1,92,000/-. Apart from it, the petitioners are entitled to Rs.2,500/- towards loss of estate and Rs.2,000/- towards funeral expenses. Thus, in total it comes to Rs.1,96,500/-.

7. Accordingly, the appeal is partly allowed by enhancing compensation from Rs.50,000/- to Rs.1,96,500/- and also enhancing the rate of interest from 6% to 7.5% from the date of claim petition till realization.

9. Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:07-11-2015

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[\[1\]](#) 2001 (1) ALT 495  
[\[2\]](#) 2014(1)SCC-244)