

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.4542 of 2008

JUDGMENT:

The appellant insurer is the 2nd respondent among the 2 respondents including the owner of the lorry bearing No.ATK-8019 and claim is maintained by the 3 petitioners no other than wife, minor child and mother of the deceased B.Krishna Kanth aged about 31 years working as clerk/cashier in State Bank of Hyderabad with gross salary of Rs.6,427/-, as per Ex.A8 and evidence of the Bank official PW.3 from out of evidence PWs.1 to 3, and from Exs.A1 to 14, claim of Rs.20,00,000/- and the Tribunal awarded Rs.13,18,000/- with interest @ 7.5% per annum vide award dated 11.04.2008 in O.P.No.157 of 2007 by the Motor Accidents Claims Tribunal-cum-III Additional Chief Judge, City Civil Court, Hyderabad, since impugning the same as the quantum is excessive, arbitrary and unsustainable, to reduce.

The 4th respondent to the appeal is the 1st respondent to the claim petition remained exparte and stated not necessary party vide **Meka Chakra Rao V. Y.Babu Rao**¹ and the same is recorded.

Heard and perused the material on record.

Learned counsel for the appellant insurer reiterated the said contentions in the grounds of appeal referred supra. Whereas it is the contention of the learned counsel for the respondent Nos.1 to 3 that the award of the Tribunal holds good and for this Court while sitting in appeal there is nothing to interfere, hence to dismiss the appeal.

¹ 2001(1) ALT 495 (DB)

The multiplier applicable in the claim petition under Section 166 of Motor Vehicles Act for the person aged about 31 years as per **Sarla Verma v Delhi Transport Corporation**² is '16' from the age prospective increase can be taken 50% as per the expression Sarla Verma supra even taken the net earnings to Rs.6,000/- with prospective increase of Rs.3,000/- comes to Rs.9,000/- $\times 2/3 = \text{Rs.6,000/-}$ $\times 12 \times 16 (\text{multiplier}) = \text{Rs.11,52,000/-}$ and added to it loss of consortium Rs.50,000/-, funeral expenses Rs.25,000/-, loss of estate Rs.10,000/- care and guidance to the minor even Rs.15,000/- which comes to Rs.12,52,000/- is the just compensation to reduce from Rs.13,18,000/-.

Accordingly and in the result, the appeal is partly allowed by reducing the compensation from Rs.13,18,000/- to Rs.12,52,000/- and in other aspects the award of the Tribunal holds good.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.09.2016
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² 2009 ACJ 1298.