

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**M.A.C.M.A.No.4577 of 2008**

**JUDGMENT:**

The 2<sup>nd</sup> respondent insurer among the two respondents including the owner of the TATA Sumo bearing No.AP-28-U-8261, impugning the award of the Tribunal dated 27.09.2005 in O.P.No.2 of 2003 on the file of Motor Accidents Claims Tribunal-cum-II Additional District Judge, Madanapalle, maintained by the 3 claimants no other than wife and 2 minor children of deceased M.Ramachandra Sastry, aged about 50 years as per the observation of the Tribunal at Para 11, maintained the claim petition under Section 166 of the Motor Vehicles Act for Rs.20,00,000/- since awarded by the Tribunal of Rs.11,74,000/- with interest @ 9% per annum, impugning the said quantum and rate of interest as excessive and exorbitant.

The learned counsel for the insurer reiterated the same. The 4<sup>th</sup> respondent herein who is the 1<sup>st</sup> respondent to the claim petition remained exparte before the Tribunal not a necessary party vide **Meka Chakra Rao V. Y.Babu Rao**<sup>1</sup> and the same is recorded.

Whereas it is the contention of the learned counsel for the claimants that the award of the Tribunal holds good, but for no cross objections, quantum is utterly low, hence to dismiss the appeal.

Heard and perused the material on record.

The salary of the deceased showing from Ex.A5 of Rs.17,856/- per month, even taken prospective earnings from the

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<sup>1</sup> 2001(1) ALT 495 (DB)

same from his age about 50 years, 30% increase and if 1/3<sup>rd</sup> deducted out of it towards personal expenses of the deceased and even 10% deducted out of it towards income tax from what the amount derived and from the multiplier applicable is '13' besides the conventional aspects like funeral expenses of Rs.25,000/-, loss of consortium of Rs.50,000/-, loss of estate of Rs.10,000/- and care and guidance to the minor children of Rs.30,000/-, what the Tribunal awarded is no way excessive, but for rate of interest to reduce from 9% to 7.5% vide decision in **Rajesh Vs. Rajbir Singh**<sup>2</sup>.

Accordingly and in the result, the appeal is partly allowed by reducing the rate of interest from 9% to 7.5% per annum by confirming the quantum of compensation.

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

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

Date: 08.09.2016  
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<sup>2</sup> 2013 ACJ 1403