

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.421 of 2010

JUDGMENT:

The appellant/claimant is working as Assistant Engineer in APSRTC and claiming with a salary of Rs.17,000/- per month with 50% permanent disability maintained the claim for Rs.12,00,000/- under Section 166 of Motor Vehicles Act against the owner and insurer of the lorry bearing No.ATO-3835, for the injuries sustained while he was proceeding on motorcycle bearing No.AP-11-E-2568 on 06.12.2005, due to the rash and negligent driving of the lorry, dashed the bike, as a result of which he sustained injuries. No doubt the evidence on record proves from the contest by the insurer of the earnings of the claimant injured and the Tribunal by adopting multiplier method, awarded a sum of Rs.7,04,537.50 with interest @ 6% per annum.

In fact, from said evidence it has not effected earning capacity and promotional prospects, but for the functional disability of ordinary pursuits. Once such is the case, in view of the expression of the Apex Court in **Raj Kumar Vs. Ajay Kumar**¹ multiplier method cannot be adopted. If same is taken there is nothing to increase from the award of the Tribunal, but for enhancing the rate of interest from 6% to 7.5% per annum.

Accordingly and in the result, the appeal is partly allowed by confirming the quantum of the Tribunal by enhancing the rate of interest from 6% to 7.5% per annum. In other aspects the award of the Tribunal holds good.

¹ (2011) 1 SCC 343

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 29.11.2016
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