

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.4165 of 2008

JUDGMENT:

The 2nd respondent insurer among the two respondents including the owner of the claim petition O.P.No.507 of 2002 on the file of learned II Additional District Judge, Kadapa at Proddatur, in the claim maintained under Section 166 of the Motor Vehicles Act by the 7 claimants of whom, 4 to 7 are minors represented by claimant No.1 mother, no other than wife and children of deceased, from the contest and from the evidence of PWs.1 and 2 and Exs.A1 to A5, the Tribunal awarded compensation of Rs.7,60,000/- with interest @ 9% per annum vide award dated 10.02.2005, maintained the appeal impugning mainly the quantum of compensation.

Some of the claimants served, representing by Sri K.Rathanga Pani Reddy, who represents saying there is no conflict interest between all the claimants, the others even whom notice is sent though no proof received.

Heard and perused the material on record.

In fact there are 7 claimants of whom no other than wife, parents and minor children, all are dependents and once such is the case as per **Sarla Verma Vs. Delhi Transport Corporation**^[1], 1/5th towards personal expenses is the deduction and the accident was dated 02.02.2002, the Tribunal taken the earnings of the deceased who was working as hammer man in APSRTC, Kadapa, with salary of Rs.5,125.60 and as per the expression supra from the age of the deceased about 35 years, the prospective earnings to be taken the half of the said amount, even it is taken what the Tribunal awarded is utterly low to enhance, but for no cross objections, there are no merits in the appeal.

Accordingly and in the result, the appeal is dismissed as there is nothing to interfere, but not chosen even otherwise excessive the

interest is more than 7.5% vide decision in **Rajesh Vs. Rajbir Singh**^[2].

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 29.08.2016
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^[1] 2009 ACJ 1298

^[2] 2013 ACJ 1403