

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1346 of 2009

JUDGMENT:

Aggrieved by the award and decree dated 09.06.2006, in M.V.O.P.No.584 of 2005 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Tirupati, whereby and whereunder, a sum of Rs.4,00,000/- was granted as compensation, as against the claim of Rs.5,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988, the Managing Director of Tamil Nadu State Transport Corporation preferred the present appeal mainly on the ground that the deceased, while riding his bicycle on 16.09.2004 at about 12.15 p.m. on Srikalahasti-Tada main road, suddenly came across the road without observing the vehicles passing on the road and caused the accident and the Tribunal ought not to have taken the monthly earnings at Rs.2,700/-, in the absence of any reliable evidence on record and ought not to have awarded a sum of Rs.25,000/- under the head of medical expenses, without there being any documentary evidence.

2. Heard Sri P.Govind Reddy, learned Standing Counsel for the appellant, and Sri K.Venkat Rao, learned counsel for the respondents.

3. Perused the order and evidence on record.

4. The Tribunal, on negligence, having found from the evidence on record, more particularly, recitals in Exs.A4 and A5, recorded a finding that due to rash and negligent driving of the driver of the RTC bus, the accident had occurred. That finding cannot be upset without there being any evidence at all on the side of the appellant.

5. With regard to the compensation granted by the Tribunal, the Tribunal has taken the monthly earnings at Rs.2,700/- or Rs.32,400/- per annum, made deduction at 1/3rd there-from towards personal expenses and applied multiplier '16', treating it as appropriate multiplier for the person aged 25 years, and arrived at Rs.3,45,600/- towards loss of dependency. That apart, the Tribunal has granted Rs.25,000/- towards transport and medical expenses, Rs.500/- towards damage to clothing, Rs.2,500/- towards funeral expenses, Rs.6,400/- towards pain and suffering, Rs.10,000/- each towards loss of consortium and loss of estate and, thus, a sum of Rs.4,00,000/- was awarded as compensation.

6. In case the law declared by the Hon'ble Supreme Court in the recent pronouncements is considered, the petitioners – claimants would get more than what was granted by the Tribunal, as the multiplier applicable will be '18' and future prospects had to be awarded, in addition to the loss of dependency arrived at by

the Tribunal. Therefore, by any stretch of imagination, the amount granted by the Tribunal for the death of the deceased cannot be held as excessive or arbitrary. Even the rate of interest awarded by the Tribunal at 7.5% per annum is on the lines of rate of interest awarded by the Hon'ble Apex Court in **Rajesh and others v. Rajbir Singh and others**^[1]. Hence, for the aforesaid reasons, there is no merit in the instant appeal.

7. Accordingly, the instant appeal is dismissed, confirming the order and decree passed by the Tribunal. There shall be no order as to costs.

8. As a sequel thereto, miscellaneous applications, if any pending in the instant appeal, shall stand closed.

A. SHANKAR NARAYANA, J

08th August, 2016

v v

[\[1\]](#) 2013 ACJ 1403